



Iowa General Assembly  
Daily Bills, Amendments & Study Bills  
February 09, 2011

## House File 232 - Introduced

HOUSE FILE  
BY SWAIM

### A BILL FOR

1 An Act relating to an exemption for smoking in public places  
2 meeting certain restrictions, including age-related  
3 provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2258HH (2) 84  
pf/rj



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House File 232 - Introduced continued

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1 1 Section 1. Section 142D.4, Code 2011, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 12. a. A public place otherwise subject  
1 4 to the prohibitions of section 142D.3 that meets both of the  
1 5 following conditions:

1 6 (1) Entrance to the public place is restricted to  
1 7 individuals eighteen years of age or older.

1 8 (2) The owner, operator, manager, or other person having  
1 9 custody or control of the public place ensures that smoke from  
1 10 the location in which smoking is authorized does not infiltrate  
1 11 into areas in which smoking is otherwise prohibited under  
1 12 section 142D.3.

1 13 b. This subsection shall not be construed to prohibit the  
1 14 owner, operator, manager, or other person having custody or  
1 15 control of a public place from designating the public place as  
1 16 a nonsmoking place pursuant to section 142D.5.

1 17 EXPLANATION

1 18 This bill exempts from the prohibition against smoking,  
1 19 a public place that does both of the following: restricts  
1 20 entrance to individuals 18 years of age and older, and ensures  
1 21 that smoke from the location in which smoking is authorized  
1 22 does not infiltrate into areas in which smoking is otherwise  
1 23 prohibited. The bill is not to be construed to prohibit the  
1 24 owner, operator, manager, or other person having custody or  
1 25 control of the public place from designating the public place  
1 26 as nonsmoking in accordance with existing law.

LSB 2258HH (2) 84

pf/rj



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## House File 233 - Introduced

HOUSE FILE  
BY T. TAYLOR

### A BILL FOR

1 An Act relating to the construction and maintenance of walkways  
2 in rail yards and providing a penalty.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 2213YH (2) 84  
dea/nh



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1 1 Section 1. NEW SECTION. 327F.1A Definitions.  
1 2 As used in this chapter, unless the context otherwise  
1 3 requires:  
1 4 1. "Department" means the department of transportation.  
1 5 2. "Director" means the director of transportation.  
1 6 Sec. 2. NEW SECTION. 327F.37 Rail yard walkways.  
1 7 1. Scope. This section applies to all walkways in rail  
1 8 yards in this state. This section does not apply to tracks  
1 9 constructed in industry yards owned by an entity other than a  
1 10 rail carrier.  
1 11 2. Definitions. For purposes of this section, unless the  
1 12 context otherwise requires:  
1 13 a. "Frequently" means at least five days per week, one shift  
1 14 per day.  
1 15 b. "Good cause" includes but is not limited to a showing  
1 16 that compliance will impose an undue hardship on the rail  
1 17 carrier.  
1 18 3. General requirements and recommendations.  
1 19 a. (1) Walkways may be surfaced with asphalt, concrete,  
1 20 planking, grating, native material, crushed material, or other  
1 21 similar material. When crushed material is used, one hundred  
1 22 percent of the material must be capable of passing through  
1 23 a one and one-half inch square sieve opening, and not less  
1 24 than ninety percent of the material must be capable of passing  
1 25 through a one-inch square sieve opening; provided that a de  
1 26 minimus variation shall not be a violation of this section  
1 27 in an instance where the rail carrier has made a good faith  
1 28 effort to comply with the percentage requirements of this  
1 29 subparagraph.  
1 30 (2) Crushed material smaller than that described in  
1 31 subparagraph (1) should be used whenever practicable,  
1 32 especially in places where drainage and durability issues do  
1 33 not exist. Material that is three-fourths inch or smaller in  
1 34 size is recommended for switching lead tracks.  
1 35 b. Walkways shall have a reasonably uniform surface and



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2 1 be maintained in a safe condition without compromising track  
2 2 drainage.  
2 3 c. Cross slopes for walkways shall not exceed one inch of  
2 4 elevation for each eight inches of horizontal length in any  
2 5 direction.  
2 6 d. Walkways shall be at least two feet wide.  
2 7 e. Walkways shall be kept reasonably free of spilled fuel  
2 8 oil, sand, posts, vegetation, nonballast rocks, and other  
2 9 hazards or obstructions.  
2 10 4. Standard. A rail carrier shall provide walkways adjacent  
2 11 to those portions of yard tracks where rail carrier employees  
2 12 frequently work on the ground performing switching activities.  
2 13 5. Other tracks.  
2 14 a. If the department finds, after notice and hearing,  
2 15 that rail carrier employees who frequently work adjacent  
2 16 to a portion of track performing switching activities are  
2 17 exposed to safety hazards due to the lack of a walkway or  
2 18 due to the condition of a walkway constructed before July 1,  
2 19 2009, the department may order a rail carrier to construct a  
2 20 walkway adjacent to a portion of track where employees perform  
2 21 switching activities or require a rail carrier to modify an  
2 22 existing walkway in conformance with subsection 4 within a  
2 23 reasonable period of time.  
2 24 b. For purposes of this subsection, "frequently" means  
2 25 at least five days per week, one shift per day, or any other  
2 26 period the department deems frequent enough to warrant an order  
2 27 pursuant to this subsection.  
2 28 6. Compliance. A rail carrier is excused from complying  
2 29 with this section during maintenance activities and during  
2 30 any period of heavy rain or snow, derailment, rock and earth  
2 31 slides, washouts, or similar weather or seismic conditions, and  
2 32 for a reasonable period after such conditions to allow a return  
2 33 to compliance.  
2 34 7. Waivers. A rail carrier may petition the department for  
2 35 a waiver of any provision of this section for good cause shown.



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3 1 8. Enforcement. A formal complaint of an alleged violation  
3 2 of this section shall not be filed with the department until  
3 3 the filing party has attempted to address the allegations with  
3 4 the rail carrier. A complaint of an alleged violation of  
3 5 this part shall contain a written statement that the filing  
3 6 party has made a reasonable, good faith attempt to address the  
3 7 alleged violation with the rail carrier.

3 8 9. Penalties. A rail carrier who violates this section  
3 9 commits a "schedule one" violation. Each day a violation  
3 10 exists shall be considered a separate violation.

3 11 Sec. 3. Section 327F.39, subsection 1, paragraphs a and b,  
3 12 Code 2011, are amended by striking the paragraphs.

3 13 EXPLANATION

3 14 This bill establishes standards and requirements for the  
3 15 construction and maintenance of walkways in rail yards. The  
3 16 provisions of the bill apply to all walkways in rail yards in  
3 17 this state, but do not apply to tracks in industry yards owned  
3 18 by an entity other than a rail carrier.

3 19 The bill specifies that walkways may be surfaced with  
3 20 asphalt, concrete, planking, grating, native material, crushed  
3 21 material, or other similar material. If crushed material is  
3 22 used, 100 percent of the material must be able to pass through  
3 23 a one and one-half inch sieve opening, and at least 90 percent  
3 24 of the material must be able to pass through a one-inch sieve  
3 25 opening, with allowance for a de minimus variation. The  
3 26 bill contains general recommendations for the use of crushed  
3 27 material. In addition, the bill requires that walkways be  
3 28 at least two feet wide, with cross slopes of not more than  
3 29 one inch of elevation for each eight inches of length in any  
3 30 direction. Walkways must have a reasonably uniform surface,  
3 31 be maintained in safe condition without compromising track  
3 32 drainage, and be kept reasonably free of spilled fuel oil,  
3 33 sand, posts, vegetation, nonballast rocks, and other hazards  
3 34 and obstructions.

3 35 The bill establishes a standard requirement for rail



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4 1 carriers to provide walkways adjacent to portions of yard  
4 2 tracks where rail carrier employees work on the ground  
4 3 performing switching activities at least five days per week,  
4 4 one shift per day. However, following an administrative  
4 5 hearing, the department of transportation may order a rail  
4 6 carrier to construct a walkway or conform a preexisting walkway  
4 7 to the new standards along any portion of track where the lack  
4 8 of a walkway or condition of a walkway poses a safety hazard  
4 9 to employees performing switching activities for any period of  
4 10 time.

4 11 The bill excuses a rail carrier from compliance with walkway  
4 12 requirements during maintenance activities and during periods  
4 13 of heavy rain or snow, derailment, rock and earth slides,  
4 14 washouts, or other weather or seismic conditions, and for a  
4 15 reasonable period following such an occurrence.

4 16 The department of transportation may grant a waiver of any  
4 17 provision of the bill to a rail carrier upon a showing of good  
4 18 cause, including but not limited to a showing that compliance  
4 19 will impose an undue hardship on the rail carrier.

4 20 A party who alleges a violation of the requirements of the  
4 21 bill may not file a formal complaint until the filing party has  
4 22 made a good faith attempt to address the alleged violation with  
4 23 the rail carrier. A violation of the bill's provisions is a  
4 24 "schedule one" violation, punishable by a \$100 fine for each  
4 25 day a violation exists.

4 26 The bill makes technical changes to Code chapter 327F to  
4 27 codify definitions applicable to the bill and to the entire  
4 28 Code chapter.

LSB 2213YH (2) 84

dea/nh



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## House File 234 - Introduced

HOUSE FILE  
BY CHAMBERS

### A BILL FOR

1 An Act relating to teacher salary supplement requirements for  
2 professional development and providing for repayment of  
3 teacher salary supplement funds under certain conditions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1431YH (5) 84  
kh/nh





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1 1 Section 1. Section 284.4, subsection 1, paragraph e, Code  
1 2 2011, is amended to read as follows:

1 3 e. Adopt a teacher evaluation plan that, at minimum,  
1 4 requires a performance review of teachers in the district at  
1 5 least once every three years based upon the Iowa teaching  
1 6 standards and individual professional development plans,  
1 7 requires that each individual professional development plan  
1 8 include at least ten full days of professional development,  
1 9 and requires administrators to complete evaluator training in  
1 10 accordance with section 284.10. A school district or area  
1 11 education agency that receives funds calculated and paid for  
1 12 professional development pursuant to section 257.10, subsection  
1 13 9, and section 257.37A, subsection 2, shall repay the state of  
1 14 Iowa as follows under the following conditions:

1 15 (1) If the school district or area education agency does not  
1 16 make available quality professional development opportunities  
1 17 for at least ten additional contract days or the equivalent  
1 18 thereof for professional development, the school district  
1 19 or area education agency shall repay to the state of Iowa,  
1 20 by July 1 of the school year following the school year in  
1 21 which the funds were received, an amount equivalent to the  
1 22 difference between the number of contract days for professional  
1 23 development required pursuant to this lettered paragraph and  
1 24 the number of contract days offered by the school district or  
1 25 area education agency during the school year.

1 26 (2) If the school district or area education agency does  
1 27 not require that each individual professional development plan  
1 28 include at least ten full days of professional development in  
1 29 accordance with this lettered paragraph, the school district or  
1 30 area education agency shall repay to the state of Iowa, by July  
1 31 1 of the school year following the school year in which the  
1 32 funds were received, the full amount of the funds calculated  
1 33 and paid to the school district or area education agency for  
1 34 professional development pursuant to section 257.10, subsection  
1 35 9, and section 257.37A, subsection 2, for the prior school



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2 1 year.

2 2 Sec. 2. STATE MANDATE FUNDING SPECIFIED. In accordance  
2 3 with section 25B.2, subsection 3, the state cost of requiring  
2 4 compliance with any state mandate included in this Act shall  
2 5 be paid by a school district from state school foundation aid  
2 6 received by the school district under section 257.16. This  
2 7 specification of the payment of the state cost shall be deemed  
2 8 to meet all of the state funding-related requirements of  
2 9 section 25B.2, subsection 3, and no additional state funding  
2 10 shall be necessary for the full implementation of this Act  
2 11 by and enforcement of this Act against all affected school  
2 12 districts.

2 13 EXPLANATION

2 14 This bill requires school districts and area education  
2 15 agencies that receive state funds calculated and paid for  
2 16 professional development to require that individual teacher  
2 17 professional development plans include at least 10 full days of  
2 18 professional development.

2 19 If the school district or area education agency does not  
2 20 provide quality professional development opportunities for at  
2 21 least 10 contract days, the school district or area education  
2 22 agency must repay the state, by July 1 of the school year  
2 23 following the school year in which the funds were received,  
2 24 an amount equivalent to the difference between the number of  
2 25 contract days for professional development required and the  
2 26 number of contract days offered during the school year. If  
2 27 the school district or area education agency does not require  
2 28 that individual teacher professional development plans include  
2 29 at least 10 full days of professional development, the school  
2 30 district or area education agency must repay the state, by July  
2 31 1 of the school year following the school year in which the  
2 32 funds were received, the full amount of the funds calculated  
2 33 and paid to the school district or area education agency for  
2 34 professional development.

2 35 This bill may include a state mandate as defined in Code



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3 1 section 25B.3. The bill requires that the state cost of  
3 2 any state mandate included in the bill be paid by a school  
3 3 district from state school foundation aid received by the  
3 4 school district under Code section 257.16. The specification  
3 5 is deemed to constitute state compliance with any state mandate  
3 6 funding=related requirements of Code section 25B.2. The  
3 7 inclusion of this specification is intended to reinstate the  
3 8 requirement of political subdivisions to comply with any state  
3 9 mandates included in the bill.

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kh/nh



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## House File 235 - Introduced

HOUSE FILE  
BY SCHULTE

### A BILL FOR

1 An Act relating to payment for mental health counselor  
2 behavioral health services provided under the Medicaid  
3 program.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2291YH (1) 84  
pf/nh



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1 1 Section 1. Section 249A.15A, Code 2011, is amended to read  
1 2 as follows:

1 3 249A.15A Licensed marital and family therapists ~~and~~, licensed  
1 4 master social workers, and licensed mental health counselors.

1 5 1. The department shall adopt rules pursuant to chapter  
1 6 17A entitling marital and family therapists who are licensed  
1 7 pursuant to chapter 154D to payment for behavioral health  
1 8 services provided to recipients of medical assistance, subject  
1 9 to limitations and exclusions the department finds necessary on  
1 10 the basis of federal laws and regulations.

1 11 2. The department shall adopt rules pursuant to chapter  
1 12 17A entitling master social workers who hold a master's  
1 13 degree approved by the board of social work, are licensed as  
1 14 a master social worker pursuant to section 154C.3, subsection  
1 15 1, paragraph "b", and provide treatment services under the  
1 16 supervision of an independent social worker licensed pursuant  
1 17 to section 154C.3, subsection 1, paragraph "c", to payment  
1 18 for behavioral health services provided to recipients of  
1 19 medical assistance, subject to limitations and exclusions the  
1 20 department finds necessary on the basis of federal laws and  
1 21 regulations.

1 22 3. The department shall adopt rules pursuant to chapter 17A  
1 23 entitling mental health counselors who are licensed pursuant to  
1 24 chapter 154D to payment for behavioral health services provided  
1 25 to recipients of medical assistance, subject to limitations  
1 26 and exclusions the department finds necessary on the basis of  
1 27 federal laws and regulations.

1 28 Sec. 2. MEDICAL ASSISTANCE STATE PLAN ==== MENTAL HEALTH  
1 29 COUNSELORS. The department of human services shall amend the  
1 30 medical assistance state plan to allow mental health counselors  
1 31 licensed in the state to be participating behavioral health  
1 32 providers under the medical assistance program.

1 33 EXPLANATION

1 34 This bill directs the department of human services (DHS)  
1 35 to adopt rules entitling licensed mental health counselors to



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2 1 payment for behavioral health services provided to recipients  
2 2 of medical assistance, subject to limitations and exclusions  
2 3 the department finds necessary on the basis of federal laws and  
2 4 regulations. The bill also directs DHS to amend the Medicaid  
2 5 state plan to allow licensed mental health counselors to be  
2 6 participating behavioral health providers under the Medicaid  
2 7 program.

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## House File 236 - Introduced

HOUSE FILE  
BY KAUFMANN

### A BILL FOR

1 An Act relating to city and county property assessment  
2 officials and boards.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1681YH (9) 84  
aw/sc



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1 1 Section 1. Section 441.9, Code 2011, is amended to read as  
1 2 follows:

1 3 441.9 Removal of assessor.

1 4 1. The assessor may be removed by a majority vote of the  
1 5 conference board, after charges of misconduct, nonfeasance,  
1 6 malfeasance, or misfeasance in office shall have been  
1 7 substantiated at a public hearing, if same is demanded by the  
1 8 assessor by written notice served upon the chairperson of the  
1 9 conference board.

1 10 2. The assessor may also be removed by a majority vote  
1 11 of the conference board after charges of severe lack of  
1 12 transparency, severe lack of communication with constituents,  
1 13 or loss of public records described in section 441.17 shall  
1 14 have been substantiated at a public hearing, if a public  
1 15 hearing is requested by the assessor by written notice served  
1 16 upon the chairperson of the conference board.

1 17 3. The conference board shall also be required to conduct  
1 18 a formal review of an assessor's job status upon receipt of  
1 19 a petition requesting such a review and signed by eligible  
1 20 electors equal in number to at least ten percent of the votes  
1 21 cast in the county for the office of president of the United  
1 22 States or governor at the preceding general election, in the  
1 23 case of a county, and equal in number to at least ten percent  
1 24 of the votes cast at the last preceding regular city election,  
1 25 in the case of a city.

1 26 Sec. 2. Section 441.17, Code 2011, is amended by adding the  
1 27 following new subsection:

1 28 NEW SUBSECTION. 12. Hold a public hearing prior to  
1 29 revaluation of any property that the assessor estimates may  
1 30 result in an annual increase of twenty-five thousand dollars  
1 31 or more in property taxes on the property, except in cases  
1 32 where the increased valuation is due to new construction or  
1 33 improvements to the property.

1 34 Sec. 3. Section 441.31, subsection 1, Code 2011, is amended  
1 35 to read as follows:





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2 1 1. ~~The~~ In the case of a county, the chairperson of the board  
2 2 of supervisors shall call a meeting by written notice to all of  
2 3 the members of the board for the purpose of appointing a board  
2 4 of review for all assessments made by the county assessor. In  
2 5 the case of a city, the chairperson of the conference board  
2 6 shall call a meeting by written notice to all of the members of  
2 7 the board for the purpose of appointing a board of review for  
2 8 all assessments made by the city assessor. The board of review  
2 9 may consist of either three members or five members. As nearly  
2 10 as possible this board shall include one licensed real estate  
2 11 broker and one registered architect or person experienced in  
2 12 the building and construction field. In the case of a county,  
2 13 at least one member of the board shall be a farmer. Not more  
2 14 than two members of the board of review shall be of the same  
2 15 profession or occupation and members of the board of review  
2 16 shall be residents of the assessor jurisdiction. The terms  
2 17 of the members of the board of review shall be for six years,  
2 18 beginning with January 1 of the year following their selection.  
2 19 In boards of review having three members, the term of one  
2 20 member of the first board to be appointed shall be for two  
2 21 years, one member for four years, and one member for six years.  
2 22 In the case of boards of review having five members, the term  
2 23 of one member of the first board to be appointed shall be for  
2 24 one year, one member for two years, one member for three years,  
2 25 one member for four years, and one member for six years.  
2 26 Sec. 4. Section 441.31, subsection 2, paragraph a, Code  
2 27 2011, is amended to read as follows:  
2 28 a. ~~However, notwithstanding~~ Notwithstanding the board of  
2 29 review appointed by the county ~~conference~~ board of supervisors  
2 30 pursuant to subsection 1, a city council of a city having a  
2 31 population of seventy-five thousand or more which is a member  
2 32 of a county conference board may provide, by ordinance, for a  
2 33 city board of review to hear appeals of property assessments  
2 34 by residents of that city. The members of the city board  
2 35 of review shall be appointed by the city council. The city



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3 1 shall pay the expenses incurred by the city board of review.  
3 2 However, if the city has a population of more than one hundred  
3 3 twenty-five thousand, the expenses incurred by the city board  
3 4 of review shall be paid by the county. All of the provisions of  
3 5 this chapter relating to the boards of review shall apply to a  
3 6 city board of review appointed pursuant to this subsection.

3 7 Sec. 5. Section 441.31, subsection 3, Code 2011, is amended  
3 8 to read as follows:

3 9 3. Notwithstanding the requirements of subsection 1,  
3 10 the ~~conference~~ board of supervisors or a city council which  
3 11 has appointed a board of review may increase the membership  
3 12 of the board of review by an additional two members if it  
3 13 determines that as a result of the large number of protests  
3 14 filed or estimated to be filed the board of review will be  
3 15 unable to timely resolve the protests with the existing number  
3 16 of members. If the board of review has ten members, not more  
3 17 than four additional members may be appointed by the ~~conference~~  
3 18 board of supervisors. The additional emergency members  
3 19 shall be appointed for a term set by the ~~conference~~ board of  
3 20 supervisors or the city council but not for longer than two  
3 21 years. The ~~conference~~ board of supervisors or the city council  
3 22 may extend the terms of the emergency members if it makes a  
3 23 similar determination as required for the initial appointment.

3 24 Sec. 6. Section 441.31, Code 2011, is amended by adding the  
3 25 following new subsection:

3 26 NEW SUBSECTION. 4. The county board of supervisors may  
3 27 appoint a new county board of review upon receipt of a petition  
3 28 requesting removal and signed by eligible electors of the  
3 29 county equal in number to at least ten percent of the votes  
3 30 cast in the county for the office of president of the United  
3 31 States or governor at the preceding general election.

3 32 EXPLANATION

3 33 This bill relates to city and county assessors, conference  
3 34 boards, and boards of review.

3 35 The bill creates additional justifications for the removal



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4 1 of an assessor by majority vote of a conference board.  
4 2 These additional justifications include a severe lack of  
4 3 transparency, a severe lack of communication with constituents,  
4 4 or the loss of records. The bill also requires that a  
4 5 conference board review the job status of the assessor if the  
4 6 conference board is petitioned to do so by eligible electors  
4 7 equal to at least 10 percent of the individuals who voted in  
4 8 the preceding general election, in the case of a county, and  
4 9 equal to at least 10 percent of the votes cast at the preceding  
4 10 regular city election, in the case of a city.  
4 11 The bill requires the assessor to hold a public hearing prior  
4 12 to the revaluation of any property that would result in an  
4 13 increase of \$25,000 or more in property taxes on the property,  
4 14 except where the increased valuation is due to new construction  
4 15 or improvements to the property.  
4 16 The bill requires that county boards of review be appointed  
4 17 by the county board of supervisors. Current law requires that  
4 18 boards of review for both cities and counties be appointed  
4 19 by the respective conference board. The bill does not amend  
4 20 current law pertaining to city boards of review. The bill  
4 21 further requires that a county board of supervisors may appoint  
4 22 a new county board of review if the board of supervisors is  
4 23 petitioned to do so by eligible electors equal to at least 10  
4 24 percent of the votes cast at the preceding general election.

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aw/sc



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## House File 237 - Introduced

HOUSE FILE  
BY SCHULTZ

### A BILL FOR

1 An Act concerning implementation of the federal REAL ID Act of  
2 2005.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
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1 1 Section 1. FINDINGS AND INTENT.

1 2 1. The general assembly finds that the enactment into  
1 3 law of the federal REAL ID Act of 2005, contained in Pub.  
1 4 L. No. 109=13, is inimical to the security and well=being  
1 5 of the people of Iowa, will cause unnecessary expense and  
1 6 inconvenience to those people, and was adopted by the United  
1 7 States Congress in violation of the principles of federalism  
1 8 contained in the tenth amendment to the Constitution of the  
1 9 United States.

1 10 2. It is the intent of the general assembly that the State  
1 11 of Iowa shall not participate in the implementation of the REAL  
1 12 ID Act of 2005.

1 13 Sec. 2. NEW SECTION. 321.173 REAL ID Act of 2005 ====  
1 14 implementation prohibited.

1 15 1. The department shall not implement the provisions of the  
1 16 federal REAL ID Act of 2005, contained in Pub. L. No. 109=13,  
1 17 and shall report to the governor and the general assembly any  
1 18 attempt by agencies or agents of the United States department  
1 19 of homeland security to secure the implementation of the REAL  
1 20 ID Act of 2005 through the operations of the department of  
1 21 transportation or any other agency of this state or a political  
1 22 subdivision of this state.

1 23 2. No department, agency, or officer of this state, or  
1 24 of any of its political subdivisions, charged with motor  
1 25 vehicle registration or regulation, the issuance or renewal of  
1 26 driver's licenses, or the issuance or renewal of nonoperator's  
1 27 identification cards shall collect, obtain, or retain any data  
1 28 in connection with activities related to complying with the  
1 29 REAL ID Act of 2005.

1 30 3. Nothing in this section is intended to prevent the  
1 31 department from taking reasonable steps to enhance the security  
1 32 of Iowa driver's licenses and nonoperator's identification  
1 33 cards.

1 34 EXPLANATION

1 35 On May 11, 2005, Congress passed the REAL ID Act of 2005



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House File 237 - Introduced continued

2 1 as part of the Emergency Supplemental Appropriations Act  
2 2 for Defense, the Global War on Terror, and Tsunami Relief,  
2 3 2005. The REAL ID Act establishes standards, procedures,  
2 4 and requirements that must be met if state-issued driver's  
2 5 licenses and identification cards are to be accepted as valid  
2 6 identification for certain federal purposes, such as boarding  
2 7 an aircraft or visiting a federal facility. This bill states  
2 8 the general assembly's findings that the REAL ID Act is  
2 9 inimical to the security and well-being of the people of Iowa,  
2 10 will cause unnecessary expense and inconvenience, and violates  
2 11 the principles of federalism contained in the tenth amendment  
2 12 to the Constitution of the United States. The bill states  
2 13 the general assembly's intent that Iowa not participate in  
2 14 implementation of the REAL ID Act.

2 15 The bill prohibits the department of transportation from  
2 16 implementing the provisions of the REAL ID Act and requires  
2 17 the department to report any attempt by the U.S. department of  
2 18 homeland security to secure the state's implementation of the  
2 19 REAL ID Act.

2 20 The bill further prohibits any agency of the state or its  
2 21 political subdivisions charged with duties relating to motor  
2 22 vehicle registration or regulation, or to the issuance of  
2 23 driver's licenses and nonoperator's identification cards,  
2 24 to collect, obtain, or retain any data in connection with  
2 25 activities related to compliance with the REAL ID Act.

LSB 1141YH (5) 84

dea/nh



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## House File 238 - Introduced

HOUSE FILE  
BY WATTS

### A BILL FOR

1 An Act relating to the department of administrative services by  
2 broadening the authority of state agencies to make purchases  
3 directly from vendors and expanding the scope of those  
4 records of the department that are public.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1637YH (3) 84  
aw/nh



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House File 238 - Introduced continued

PAG LIN

1 1 Section 1. Section 8A.106, subsection 1, Code 2011, is  
1 2 amended to read as follows:  
1 3 1. The records of the department, except personal  
1 4 information in an employee's file if the publication of  
1 5 such information would serve no proper public purpose, shall  
1 6 be public records and shall be open to public inspection,  
1 7 subject to reasonable rules as to the time and manner of  
1 8 inspection which may be prescribed by the director. ~~However,~~  
~~1 9 the~~ The department shall not be required to release financial  
1 10 information, business, or product plans which if released would  
1 11 give advantage to competitors and serve no public purpose,  
1 12 relating to commercial operations conducted or intended to be  
1 13 conducted by the department, except that records of all charges  
1 14 or fees applied to state agencies shall be public records and  
1 15 shall be open to public inspection.  
1 16 Sec. 2. Section 8A.311, subsection 10, paragraph a, Code  
1 17 2011, is amended to read as follows:  
1 18 a. The director shall adopt rules providing that any state  
1 19 agency may, ~~upon request and approval by the department,~~  
1 20 purchase directly from a vendor if the direct purchasing is  
1 21 equivalent, compatible, and more economical than purchasing  
1 22 through the department, ~~if the agency shows that direct~~  
~~1 23 purchasing by the state agency would be in the best interests~~  
~~1 24 of the state due to an immediate or emergency need, or if the~~  
~~1 25 purchase will not exceed ten thousand dollars and the purchase~~  
~~1 26 would contribute to the agency complying with the targeted~~  
~~1 27 small business procurement goals under sections 73.15 through~~  
~~1 28 73.21.~~  
1 29 Sec. 3. Section 8A.311, subsection 10, paragraph b, Code  
1 30 2011, is amended by striking the paragraph.  
1 31 Sec. 4. Section 8A.311A, subsection 3, paragraph a, Code  
1 32 2011, is amended to read as follows:  
1 33 a. ~~The department determines, upon a request by the agency,~~  
~~1 34 that the~~ An agency can satisfy the requirements for purchase  
1 35 of the good or service directly from a vendor as provided in





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2 1 section 8A.311, subsection 10, ~~paragraph "a".~~

2 2 EXPLANATION

2 3 This bill broadens state agency authority to make direct  
2 4 purchases from vendors and expands the scope of department  
2 5 of administrative services public records to include fees or  
2 6 charges assessed by the department.

2 7 Current law states that all records of the department,  
2 8 except for certain personnel, financial, business, and product  
2 9 information, constitute public information open to public  
2 10 inspection. The bill requires that all fees or charges  
2 11 assessed to state agencies be considered public records and  
2 12 that those records be subject to public inspection.

2 13 The bill also broadens the authority of state agencies  
2 14 to make purchases directly from a vendor whenever such a  
2 15 purchase is equivalent, compatible, and at a lower cost than  
2 16 purchasing through the department. Current law requires that  
2 17 any state agency first make a request and receive approval  
2 18 from the department for such a purchase. Current law also  
2 19 requires that such a purchase be made only due to an immediate  
2 20 or emergency need or that such a purchase would contribute to  
2 21 state small business procurement goals and be valued at or  
2 22 below \$10,000.

LSB 1637YH (3) 84

aw/nh



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## House File 239 - Introduced

HOUSE FILE  
BY R. OLSON

### A BILL FOR

1 An Act concerning the types of motor vehicle speeding  
2 violations to be considered for purposes related to driver's  
3 license sanctions and motor vehicle insurance policies.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2125HH (2) 84  
dea/nh



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1 1 Section 1. Section 321.210, subsection 2, paragraph d, Code  
1 2 2011, is amended to read as follows:

1 3 d. The first two speeding violations within any twelve=month  
1 4 period of ten miles per hour or less over the legal speed limit  
1 5 in speed zones having a legal speed limit between thirty=four  
1 6 miles per hour and ~~fifty=six~~ sixty=one miles per hour.

1 7 Sec. 2. Section 321.210C, subsection 3, Code 2011, is  
1 8 amended to read as follows:

1 9 3. For purposes of determining a conviction under this  
1 10 section, the department shall not consider the first two  
1 11 speeding violations within the probation period that are ten  
1 12 miles per hour or less over the legal speed limit in speed  
1 13 zones having a legal speed limit between thirty=four miles per  
1 14 hour and ~~fifty=six~~ sixty=one miles per hour.

1 15 Sec. 3. Section 321A.3, subsection 4, Code 2011, is amended  
1 16 to read as follows:

1 17 4. The abstract of operating record provided under this  
1 18 section shall designate which speeding violations occurring  
1 19 on or after July 1, 1986, but before May 12, 1987, are for  
1 20 violations of ten miles per hour or less over the legal speed  
1 21 limit in speed zones that have a legal speed limit greater than  
1 22 thirty=five miles per hour. For speeding violations occurring  
1 23 on or after May 12, 1987, the abstract provided under this  
1 24 section shall designate which speeding violations are for ten  
1 25 miles per hour or less over the legal speed limit in speed  
1 26 zones that have a legal speed limit equal to or greater than  
1 27 thirty=five miles per hour but not greater than ~~fifty=five~~  
1 28 sixty miles per hour.

1 29 Sec. 4. Section 516B.3, subsection 1, Code 2011, is amended  
1 30 to read as follows:

1 31 1. The commissioner shall require that insurance companies  
1 32 transacting business in this state not consider speeding  
1 33 violations occurring on or after July 1, 1986, but before May  
1 34 12, 1987, which are for speeding violations for ten miles per  
1 35 hour or less over the legal speed limit in speed zones that



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2 1 have a legal speed limit greater than thirty=five miles per  
2 2 hour or speeding violations occurring on or after May 12,  
2 3 1987, which are for speeding violations for ten miles per  
2 4 hour or less over the legal speed limit in speed zones that  
2 5 have a legal speed limit equal to or greater than thirty=five  
2 6 miles per hour but not greater than ~~fifty=five~~ sixty miles  
2 7 per hour for the purpose of establishing rates for motor  
2 8 vehicle insurance charged by the insurer and shall require that  
2 9 insurance companies not cancel or refuse to renew any such  
2 10 policy for such violations. In any twelve=month period, this  
2 11 section applies only to the first two such violations which  
2 12 occur.

2 13 EXPLANATION

2 14 Under current law, for purposes of driver's license  
2 15 suspension or revocation, or when revoking a driver's license  
2 16 for violations committed during a license probation period,  
2 17 the department of transportation is required to disregard the  
2 18 first two speeding violations within a 12=month period of 10  
2 19 miles per hour or less over the speed limit in speed zones with  
2 20 a speed limit between 34 and 56 miles per hour. This bill  
2 21 extends the range of that exclusion to include speed limits  
2 22 between 34 miles per hour and 61 miles per hour.

2 23 Pursuant to current law, for purposes of establishing motor  
2 24 vehicle insurance rates or deciding to cancel or refuse to  
2 25 renew a motor vehicle insurance policy, an insurance company  
2 26 must disregard the first two speeding violations of 10 miles  
2 27 per hour or less over the speed limit in speed zones with a  
2 28 speed limit equal to or greater than 35 miles per hour but not  
2 29 greater than 55 miles per hour. The bill increases the upper  
2 30 limit of that exclusion to not greater than 60 miles per hour.  
2 31 The bill makes a conforming change to motor vehicle financial  
2 32 responsibility provisions by providing that the abstract of  
2 33 the operating record of a driver, which is made available to  
2 34 insurers, must designate which speeding violations are for 10  
2 35 miles per hour or less over the limit in speed zones with a



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- 3 1 speed limit equal to or greater than 35 miles per hour but not
- 3 2 greater than 60 miles per hour.
- LSB 2125HH (2) 84
- dea/nh



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**House File 240 - Introduced**

HOUSE FILE  
BY KAUFMANN

**A BILL FOR**

1 An Act relating to the property tax exemptions for cemetery  
2 associations and religious institutions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2105YH (3) 84  
md/sc



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House File 240 - Introduced continued

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1 1 Section 1. Section 427.1, subsections 6 and 8, Code 2011,  
1 2 are amended to read as follows:

1 3 6. Property of cemetery associations. Burial grounds,  
1 4 mausoleums, buildings, and equipment owned and operated by  
1 5 cemetery associations and used exclusively for the maintenance  
1 6 and care of the cemeteries devoted to interment of human bodies  
1 7 and human remains. The exemption granted by this subsection  
1 8 shall apply to burial grounds, mausoleums, buildings, and  
1 9 equipment owned by a cemetery association and leased to another  
1 10 person if such property is used exclusively for the maintenance  
1 11 and care of the cemeteries devoted to interment of human bodies  
1 12 and human remains, and if the revenues resulting from the  
1 13 lease are used by the cemetery association exclusively for the  
1 14 maintenance and care of the property. The exemption granted by  
1 15 this subsection shall not apply to any property used for the  
1 16 practice of mortuary science.

1 17 8. Property of religious, literary, and charitable  
1 18 societies. All grounds and buildings used or under construction  
1 19 by literary, scientific, charitable, benevolent, agricultural,  
1 20 and religious institutions and societies solely for their  
1 21 appropriate objects, not exceeding three hundred twenty  
1 22 acres in extent and not leased or otherwise used or under  
1 23 construction with a view to pecuniary profit. However,  
1 24 an organization mentioned in this subsection whose primary  
1 25 objective is to preserve land in its natural state may own or  
1 26 lease land not exceeding three hundred twenty acres in each  
1 27 county for its appropriate objects. All deeds or leases by  
1 28 which such property is held shall be filed for record before  
1 29 the property herein described shall be omitted from the  
1 30 assessment. The exemption granted by this subsection shall  
1 31 apply to burial grounds, mausoleums, buildings, and equipment  
1 32 owned by a religious institution and leased to another person  
1 33 if such property is used exclusively for the maintenance  
1 34 and care of a cemetery devoted to interment of human bodies  
1 35 and human remains, and if the revenues resulting from the



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2 1 lease are used by the religious institution exclusively for  
2 2 the maintenance and care of the cemetery or the grounds and  
2 3 buildings of the religious institution. Such a lease by a  
2 4 religious institution relating to a cemetery shall not be  
2 5 deemed to be with a view to pecuniary profit or for commercial  
2 6 purposes. All such property shall be listed upon the tax  
2 7 rolls of the district or districts in which it is located and  
2 8 shall have ascribed to it an actual fair market value and an  
2 9 assessed or taxable value, as contemplated by section 441.21,  
2 10 whether such property be subject to a levy or be exempted as  
2 11 herein provided and such information shall be open to public  
2 12 inspection.

2 13 EXPLANATION

2 14 This bill amends the property tax exemptions under Code  
2 15 section 427.1 for cemetery associations and religious  
2 16 institutions.

2 17 The bill provides that the exemption granted to certain  
2 18 property owned and operated by cemetery associations also  
2 19 applies to burial grounds, mausoleums, buildings, and equipment  
2 20 owned by a cemetery association and leased to another person  
2 21 if such property is used exclusively for the maintenance and  
2 22 care of the cemeteries devoted to interment of human bodies  
2 23 and human remains, and if the revenues resulting from the  
2 24 lease are used by the cemetery association exclusively for the  
2 25 maintenance and care of the property.

2 26 The bill provides that the property tax exemption granted to  
2 27 the property and grounds of religious institutions also applies  
2 28 to burial grounds, mausoleums, buildings, and equipment owned  
2 29 by a religious institution and leased to another person if  
2 30 such property is used exclusively for the maintenance and care  
2 31 of a cemetery devoted to interment of human bodies and human  
2 32 remains, and if the revenues resulting from the lease are used  
2 33 by the religious institution exclusively for the maintenance  
2 34 and care of the cemetery or the grounds and buildings of the  
2 35 religious institution. The bill states that such a lease by





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3 1 a religious institution relating to a cemetery shall not be  
3 2 deemed to be with a view to pecuniary profit or for commercial  
3 3 purposes.

LSB 2105YH (3) 84

md/sc



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## House File 241 - Introduced

HOUSE FILE  
BY WAGNER

### A BILL FOR

1 An Act exempting vessels without motor or sail from state  
2 registration and numbering requirements.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 2251YH (2) 84  
av/nh



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1 1 Section 1. Section 462A.5, Code 2011, is amended to read as  
1 2 follows:  
1 3 462A.5 Registration and identification number.  
1 4 1. The owner of each vessel required to be numbered by this  
1 5 state shall register it every three years with the commission  
1 6 through the county recorder of the county in which the owner  
1 7 resides, or, if the owner is a nonresident, the owner shall  
1 8 register it in the county in which such vessel is principally  
1 9 used. The commission shall develop and maintain an electronic  
1 10 system for the registration of vessels pursuant to this  
1 11 chapter. The commission shall establish forms and procedures  
1 12 as necessary for the registration of all vessels.  
1 13 2. The owner of the vessel shall file an application for  
1 14 registration with the appropriate county recorder on forms  
1 15 provided by the commission. The application shall be completed  
1 16 and signed by the owner of the vessel and shall be accompanied  
1 17 by the appropriate fee, and the writing fee specified in  
1 18 section 462A.53.  
1 19 a. Upon applying for registration, the owner shall display  
1 20 a bill of sale, receipt, or other satisfactory proof of  
1 21 ownership as provided by the rules of the commission to the  
1 22 county recorder. If the county recorder is not satisfied as to  
1 23 the ownership of the vessel or that there are no undisclosed  
1 24 security interests in the vessel, the county recorder may  
1 25 register the vessel but shall, as a condition of issuing a  
1 26 registration certificate, require the applicant to follow the  
1 27 procedure provided in section 462A.5A.  
1 28 b. Upon receipt of the application in approved form  
1 29 accompanied by the required fees, the county recorder shall  
1 30 enter it upon the records of the recorder's office and shall  
1 31 issue to the applicant a pocket-size registration certificate.  
1 32 The certificate shall be executed in triplicate, one copy to  
1 33 be delivered to the owner, one copy to the commission, and one  
1 34 copy to be retained on file by the county recorder.  
1 35 c. The registration certificate shall bear the number



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2 1 awarded to the vessel, the passenger capacity of the vessel,  
2 2 and the name and address of the owner.

2 3 3. In the use of all vessels required to be numbered by

2 4 this state, except nonpowered sailboats, ~~nonpowered canoes,~~

2 5 and commercial vessels, the registration certificate shall be

2 6 carried either in the vessel or on the person of the operator

2 7 of the vessel when in use. In the use of nonpowered sailboats,

~~2 8 nonpowered canoes,~~ or commercial vessels, the registration

2 9 certificate may be kept on shore in accordance with rules

2 10 adopted by the commission. The operator shall exhibit the

2 11 certificate to a peace officer upon request or, when involved

2 12 in an occurrence of any nature with another vessel or other

2 13 personal property, to the owner or operator of the other vessel

2 14 or personal property.

2 15 4. A vessel that has an expired registration certificate

2 16 from another state may be registered in this state upon proper

2 17 application, payment of all applicable registration and writing

2 18 fees, and payment of a penalty of five dollars.

2 19 5. On all vessels required to be numbered by this state,

2 20 except nonpowered sailboats, the owner shall cause the

2 21 identification number to be painted on or attached to each side

2 22 of the bow of the vessel in such size and manner as may be

2 23 prescribed by the rules of the commission. On nonpowered ~~boats~~

~~2 24 sailboats~~ the number may be placed at alternate locations as

2 25 prescribed by the rules of the commission. All numbers shall

2 26 be maintained in a legible condition at all times.

2 27 6. No number, other than the number awarded to a vessel

2 28 under the provisions of this chapter or granted reciprocity

2 29 pursuant to this chapter, shall be painted, attached, or

2 30 otherwise displayed on either side of the bow of such vessel.

2 31 7. The owner of each vessel required to be numbered by this

2 32 state must display and maintain, in a legible manner and in a

2 33 prominent spot on the exterior of such vessel, other than the

2 34 bow, the passenger capacity of the vessel which must conform

2 35 with the passenger capacity designated on the registration



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3 1 certificate.

3 2 ~~2.~~ 8. When an agency of the United States government ~~shall~~  
~~3 3 have~~ has in force an overall system of identification numbering  
3 4 for vessels, the numbering system prescribed by the commission  
3 5 pursuant to this chapter, ~~shall be in conformity therewith~~ with  
3 6 the federal system of identification numbering.

3 7 ~~3.~~ 9. The registration fees for vessels subject to this  
3 8 chapter are as follows:

3 9 ~~a. For vessels of any length without motor or sail, twelve~~  
~~3 10 dollars.~~

3 11 ~~b.~~ a. For motorboats or sailboats less than sixteen feet in  
3 12 length, twenty=two dollars and fifty cents.

3 13 ~~c.~~ b. For motorboats or sailboats sixteen feet or more, but  
3 14 less than twenty=six feet in length, thirty=six dollars.

3 15 ~~d.~~ c. For motorboats or sailboats twenty=six feet or more,  
3 16 but less than forty feet in length, seventy=five dollars.

3 17 ~~e.~~ d. For motorboats or sailboats forty feet in length or  
3 18 more, one hundred fifty dollars.

3 19 ~~f.~~ e. For all personal watercraft, forty=five dollars.

3 20 10. Every registration certificate and number issued  
3 21 becomes delinquent at midnight April 30 of the last calendar  
3 22 year of the registration period unless terminated or  
3 23 discontinued in accordance with this chapter. After January 1,  
3 24 2007, an unregistered vessel and a renewal of registration may  
3 25 be registered for the three=year registration period beginning  
3 26 May 1 of that year.

3 27 a. When unregistered vessels are registered after May 1 of  
3 28 the second year of the three=year registration period, such  
3 29 unregistered vessels may be registered for the remainder of the  
3 30 current registration period at two=thirds of the appropriate  
3 31 registration fee.

3 32 b. When unregistered vessels are registered after May 1  
3 33 of the third year of the three=year registration period, such  
3 34 unregistered vessels may be registered for the remainder of the  
3 35 current registration period at one=third of the appropriate



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4 1 registration fee.  
4 2 11. If a timely application for renewal is made, the  
4 3 applicant shall receive the same registration number allocated  
4 4 to the applicant for the previous registration period. If the  
4 5 application for registration for the three-year registration  
4 6 period is not made before May 1 of the last calendar year of the  
4 7 registration period, the applicant shall be charged a penalty  
4 8 of five dollars.  
4 9 ~~4-12.~~ a. If a person, after registering a vessel, moves  
4 10 from the address shown on the registration certificate, the  
4 11 person shall, within ten days, notify the county recorder in  
4 12 writing of the old and new address. If appropriate, the county  
4 13 recorder shall forward all past records of the vessel to the  
4 14 recorder of the county in which the owner resides.  
4 15 b. If the name of a person, who has registered a vessel, is  
4 16 changed, the person shall, within ten days, notify the county  
4 17 recorder of the former and new name.  
4 18 c. No fee shall be paid to the county recorder for making  
4 19 the changes mentioned in this subsection, unless the owner  
4 20 requests a new registration certificate showing the change, in  
4 21 which case a fee of one dollar plus a writing fee shall be paid  
4 22 to the recorder.  
4 23 13. a. If a registration certificate is lost, mutilated or  
4 24 becomes illegible, the owner shall immediately make application  
4 25 for and obtain a duplicate registration certificate by  
4 26 furnishing information satisfactory to the county recorder.  
4 27 b. A fee of one dollar plus a writing fee shall be paid to  
4 28 the county recorder for a duplicate registration certificate.  
4 29 14. If a vessel, registered under this chapter, is destroyed  
4 30 or abandoned, the destruction or abandonment shall be reported  
4 31 to the county recorder and the registration certificate shall  
4 32 be forwarded to the office of the county recorder within ten  
4 33 days after the destruction or abandonment.  
4 34 ~~5-~~ 15. All records of the commission and the county  
4 35 recorder, other than those declared by law to be confidential



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5 1 for the use of the commission and the county recorder, shall be  
5 2 open to public inspection during office hours.  
5 3 ~~6.~~ 16. The owner of each vessel which has a valid marine  
5 4 document issued by the bureau of customs of the United States  
5 5 government or any federal agency successor thereto shall  
5 6 register it every three years with the county recorder in the  
5 7 same manner prescribed for undocumented vessels and shall cause  
5 8 the registration validation decal to be placed on the vessel in  
5 9 the manner prescribed by the rules of the commission. When the  
5 10 vessel bears the identification required in the documentation,  
5 11 it is exempt from the placement of the identification numbers  
5 12 as required on undocumented vessels. The fee for such  
5 13 registration is twenty-five dollars plus a writing fee.  
5 14 ~~7.~~ 17. If the owner of a currently registered vessel places  
5 15 the vessel in storage, the owner shall return the registration  
5 16 certificate to the county recorder with an affidavit stating  
5 17 that the vessel is placed in storage and the effective date of  
5 18 the storage. The county recorder shall notify the commission  
5 19 of each registered vessel placed in storage. When the owner  
5 20 of a stored vessel desires to renew the vessel's registration,  
5 21 the owner shall apply to the county recorder and pay the  
5 22 registration fees plus a writing fee as provided in subsections  
5 23 ~~4~~ 2 and ~~3~~ 9 without penalty. No refund of registration fees  
5 24 shall be allowed for a stored vessel.  
5 25 ~~8.~~ 18. The registration certificate shall indicate if the  
5 26 vessel is subject to the requirement of a certificate of title  
5 27 and the county from which the certificate of title is issued.  
5 28 Sec. 2. Section 462A.5A, Code 2011, is amended to read as  
5 29 follows:  
5 30 462A.5A Filing bond as assurance of ownership.  
5 31 An applicant for registration of a vessel for which the  
5 32 county recorder is not satisfied as to the ownership of the  
5 33 vessel as provided in section 462A.5, subsection ~~4~~ 2, shall  
5 34 file with the department a bond in the form prescribed by the  
5 35 department and executed by the applicant, and also executed by



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6 1 a person authorized to conduct a surety business in this state.  
6 2 The form and amount of the bond shall be established by rule  
6 3 of the department. The bond shall be conditioned to indemnify  
6 4 any prior owner and secured party and any subsequent purchaser  
6 5 of the vessel or person acquiring any security interest in the  
6 6 vessel, and their respective successors in interest, against  
6 7 any expense, loss, or damage, including reasonable attorney  
6 8 fees, by reason of the issuance of the registration certificate  
6 9 of the vessel or on account of any defect in or undisclosed  
6 10 security interest upon the right, title, and interest of the  
6 11 applicant in and to the vessel. Any such interested person  
6 12 has a right of action to recover on the bond for any breach of  
6 13 its conditions, but the aggregate liability of the surety to  
6 14 all persons shall not exceed the amount of the bond. The bond  
6 15 shall be returned at the end of three years or prior thereto  
6 16 if the vessel is no longer registered in this state and the  
6 17 registration certificate is surrendered to the department,  
6 18 unless the department has been notified of the pendency of an  
6 19 action to recover on the bond.

6 20 Sec. 3. Section 462A.6, subsection 7, Code 2011, is amended  
6 21 by striking the subsection and inserting in lieu thereof the  
6 22 following:

6 23 7. A vessel of any length without motor or sail.

6 24 EXPLANATION

6 25 This bill provides that a vessel of any length without  
6 26 a motor or sail is exempt from the registration and  
6 27 identification numbering requirements of Iowa law. Currently,  
6 28 the only vessels without a motor or sail that are exempt from  
6 29 these requirements are inflatable vessels, seven feet or less  
6 30 in length, and conventional design canoes and kayak-type  
6 31 vessels, 13 feet or less in length.

6 32 A coordinating change is made to an internal reference in  
6 33 Code section 462A.5A.

LSB 2251YH (2) 84

av/nh





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## House File 242 - Introduced

HOUSE FILE  
BY COMMITTEE ON JUDICIARY

(SUCCESSOR TO HF 138)

**A BILL FOR**

1 An Act relating to gubernatorial appointments made to a  
2 district judicial nominating commission.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 1654HV (1) 84  
jm/rj



Iowa General Assembly  
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House File 242 - Introduced continued

PAG LIN

1 1 Section 1. Section 46.3, Code 2011, is amended to read as  
1 2 follows:  
1 3 46.3 Appointment of district judicial nominating  
1 4 commissioners.  
1 5 1. The governor shall appoint five eligible electors of each  
1 6 judicial election district to the district judicial nominating  
1 7 commission.  
1 8 2. ~~Appointments~~ The appointments made by the governor  
1 9 shall be to staggered terms of six years each and shall be  
1 10 made in the month of January for terms commencing February 1  
1 11 of even-numbered years.  
1 12 3. ~~No more than a~~ A simple majority of the commissioners  
1 13 appointed shall be of the same gender.  
1 14 4. Beginning with terms commencing February 1, 2012, there  
1 15 shall not be more than one appointed commissioner from a  
1 16 county within a judicial election district unless each county  
1 17 within the judicial election district has an appointed or  
1 18 elected commissioner or the number of appointed commissioners  
1 19 exceeds the number of counties within the judicial election  
1 20 district. This subsection shall not be used to remove an  
1 21 appointed commissioner from office prior to the expiration of  
1 22 the commissioner's term.

1 23 EXPLANATION  
1 24 This bill relates to gubernatorial appointments made to a  
1 25 district judicial nominating commission.  
1 26 Beginning with the terms commencing on February 1, 2012,  
1 27 the bill provides that the governor shall not appoint more  
1 28 than one commissioner from a county within a judicial election  
1 29 district unless each county within the judicial election  
1 30 district has an appointed or elected commissioner or the number  
1 31 of appointed commissioners exceeds the number of counties  
1 32 within the judicial election district. Current law does not  
1 33 place residency restrictions on governor appointments to the  
1 34 commission other than the person shall reside within the  
1 35 judicial election district.



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House File 242 - Introduced continued

2 1 A district judicial nominating commission nominates three  
2 2 persons to the governor who then selects a person from the  
2 3 list of nominees for appointment to fill a vacancy in district  
2 4 court.  
2 5 A district judicial nominating commission consists of five  
2 6 eligible electors of the judicial election district appointed  
2 7 to staggered terms by the governor, five eligible electors of  
2 8 the judicial election district elected to staggered terms by  
2 9 the lawyers of the judicial election district, and the most  
2 10 senior district judge of the judicial election district.

LSB 1654HV (1) 84

jm/rj



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## House Study Bill 82

HOUSE FILE

BY (PROPOSED COMMITTEE ON  
TRANSPORTATION BILL BY  
CHAIRPERSON TJEPKES)

### A BILL FOR

1 An Act relating to railroads including hit=and=run motor  
2 vehicle accidents involving a train and investigations of  
3 railroad crossing violations, and providing penalties.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TL5B 1963YC (3) 84  
dea/nh



Iowa General Assembly  
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House Study Bill 82 continued

PAG LIN

1 1 Section 1. Section 321.262, Code 2011, is amended to read  
1 2 as follows:  
1 3 321.262 Leaving scene of traffic accident ==== vehicle damage  
1 4 only.  
1 5 The driver of any vehicle involved in an accident resulting  
1 6 only in damage to a vehicle which is driven or attended by any  
1 7 person or to a railroad train or locomotive shall immediately  
1 8 stop such vehicle at the scene of such accident or as close  
1 9 thereto as possible but shall forthwith return to and in every  
1 10 event shall remain at the scene of such accident until the  
1 11 driver has fulfilled the requirements of section 321.263.  
1 12 Every such stop shall be made without obstructing traffic more  
1 13 than is necessary. Any person failing to stop or comply with  
1 14 said requirements under such circumstances shall be guilty of a  
1 15 misdemeanor and punished as provided in section 321.482.  
1 16 Sec. 2. Section 321.263, subsection 1, Code 2011, is amended  
1 17 to read as follows:  
1 18 1. The driver of a vehicle involved in an accident resulting  
1 19 in injury to or death of a person or damage to a vehicle  
1 20 which is driven or attended by a person or to a railroad  
1 21 train or locomotive shall give the driver's name, address,  
1 22 and the registration number of the vehicle the driver is  
1 23 driving and shall upon request and if available exhibit the  
1 24 driver's driver's license to the person struck, the driver or  
1 25 occupant of, or the person attending the vehicle, railroad  
1 26 train, or locomotive involved in the accident and shall render  
1 27 to a person injured in the accident reasonable assistance,  
1 28 including the transporting or arranging for the transporting  
1 29 of the person for medical treatment if it is apparent that  
1 30 medical treatment is necessary or if transportation for medical  
1 31 treatment is requested by the injured person.  
1 32 Sec. 3. Section 321.344A, subsection 2, unnumbered  
1 33 paragraph 1, Code 2011, is amended to read as follows:  
1 34 A peace officer ~~may~~ shall initiate an investigation not  
1 35 more than seven calendar days after receiving a report of a



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House Study Bill 82 continued

2 1 violation pursuant to this section. The peace officer may  
2 2 request that the owner of the vehicle supply information  
2 3 identifying the driver of the vehicle in accordance with  
2 4 section 321.484, or in the case of a commercial motor vehicle,  
2 5 the peace officer may request that the employer of the driver  
2 6 provide information identifying the driver of the vehicle.

2 7 Sec. 4. Section 805.8A, subsection 14, paragraph h, Code  
2 8 2011, is amended to read as follows:

2 9 h. Railroad crossing violations.

2 10 (1) For violations under sections 321.341, 321.342,  
2 11 321.343, and 321.344, ~~and 321.344B~~, the scheduled fine is two  
2 12 hundred dollars.

2 13 (2) For a violation under section 321.344B, the scheduled  
2 14 fine is three hundred dollars.

2 15 EXPLANATION

2 16 This bill addresses several issues relating to the  
2 17 interaction of motor vehicles and railroads.

2 18 The bill amends Code sections 321.262 and 321.263 to require  
2 19 that the driver of a vehicle involved in an accident resulting  
2 20 only in damage to a railroad train or locomotive must remain  
2 21 at the scene and give the driver's name, address, and vehicle  
2 22 registration number and exhibit the driver's driver's license  
2 23 upon request to the person attending the railroad train or  
2 24 locomotive. This is similar to requirements for a driver  
2 25 involved in a collision with another motor vehicle, a violation  
2 26 of which is commonly referred to as "hit=and=run". A person  
2 27 convicted of a hit=and=run is guilty of a simple misdemeanor,  
2 28 which is punishable by confinement for no more than 30 days or  
2 29 a fine of at least \$65 but not more than \$625 or by both.

2 30 The bill amends Code section 321.344A to require a peace  
2 31 officer's investigation of every reported railroad crossing  
2 32 violation by a vehicle operator. Currently, the initiation of  
2 33 an investigation is optional.

2 34 The bill amends Code section 805.8A to increase the  
2 35 scheduled fine for a railroad crossing violation by a vehicle



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House Study Bill 82 continued

3 1 operator which creates an immediate threat to the safety of  
3 2 a person or property from \$200 to \$300. All other railroad  
3 3 crossing violations remain punishable by a scheduled fine of  
3 4 \$200.

LSB 1963YC (3) 84

dea/nh



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## House Study Bill 83

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
HUMAN RESOURCES BILL  
BY CHAIRPERSON MILLER)

### A BILL FOR

1 An Act relating to county and state responsibilities for mental  
2 health, mental retardation, and developmental disabilities  
3 services for adults and children and including effective  
4 date provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSE 2002YC (10) 84  
jp/rj





**Iowa General Assembly  
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House Study Bill 83 continued

PAG LIN

1 1 Section 1. MENTAL HEALTH AND DISABILITY SERVICE SYSTEM  
1 2 REFORM.  
1 3 1. The general assembly finds there is need to reform the  
1 4 mental health and disability services systems administered  
1 5 by counties and the state to address the needs of adults  
1 6 and children with mental illness, mental retardation, or  
1 7 developmental disabilities. Issues with the current systems  
1 8 include the following:  
1 9 a. Lack of a set of core services uniformly available  
1 10 throughout the state.  
1 11 b. Lack of uniformity in service expenditures throughout  
1 12 the state.  
1 13 c. Disparity in county levy rates for the adult services  
1 14 system.  
1 15 d. The need to improve the array of community-based services  
1 16 and services to avoid the use or continued use of crisis  
1 17 services.  
1 18 e. The need to expand the availability of dual diagnosis  
1 19 mental health and substance abuse services.  
1 20 f. The need to improve the consistency of services available  
1 21 to both youth and adult populations.  
1 22 g. The need to coordinate the services systems for  
1 23 addressing the needs of children and youth with severe  
1 24 emotional disturbances, mental illness, mental retardation,  
1 25 developmental disabilities, and substance abuse problems among  
1 26 state and local education, health, and human services agencies.  
1 27 h. The need to address the medical assistance (Medicaid)  
1 28 program changes in the federal Patient Protection and  
1 29 Affordable Care Act, Pub. L. No. 111-148, that will greatly  
1 30 expand the program's eligibility for persons in the services  
1 31 systems beginning in calendar year 2014.  
1 32 i. Dissatisfaction with using county of legal settlement  
1 33 determinations to determine county and state financial  
1 34 responsibility for adult services.  
1 35 2. It is the intent of the general assembly to consider and



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House Study Bill 83 continued

- 2 1 enact legislation to do all of the following:
- 2 2     a. Phase in the full assumption by the state of the
- 2 3 nonfederal share of the costs for Medicaid program services
- 2 4 for adults now borne by counties by the implementation date
- 2 5 of the Medicaid eligibility changes under the federal Patient
- 2 6 Protection and Affordable Care Act.
- 2 7     b. Provide property tax relief and equity by having the
- 2 8 state incrementally assume a greater role in funding the adult
- 2 9 mental health and disability services system from counties when
- 2 10 the repeals contained in this Act take effect.
- 2 11     c. Shift the balance of responsibilities for the adult
- 2 12 services system between the state and counties so that the
- 2 13 state ensures greater uniformity and there is sufficient
- 2 14 size to develop effective services while maintaining local
- 2 15 involvement that brings resources together in unique ways that
- 2 16 best meet the needs of clients.
- 2 17     d. Provide options for maintaining and enhancing local
- 2 18 entry points for admission into the services system for adults.
- 2 19     e. Engage the state and local government agencies involved
- 2 20 with addressing the needs of children and youth with severe
- 2 21 emotional disturbances, mental illness, mental retardation,
- 2 22 developmental disabilities, and substance abuse problems in
- 2 23 developing a coordinated system to meet those needs.
- 2 24     f. Consolidate provider reimbursement rate setting and
- 2 25 provider selection authority.
- 2 26     g. Review the Code chapters relevant to the services systems
- 2 27 and propose amendments for implementation of the reforms
- 2 28 recommended by the committee.
- 2 29     h. Incorporate opportunities for implementing efficiencies,
- 2 30 providing access to services at more levels, enhancing
- 2 31 public-private partnerships, allowing options for local
- 2 32 investments, and emphasizing the use of research-based methods
- 2 33 and identified best practices.
- 2 34     i. Establish a state fund to collect cost savings realized
- 2 35 from efficiencies and dedicate such moneys for use in expanding



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House Study Bill 83 continued

3 1 community capacity to provide services.  
3 2 j. Create a state=county transition committee to address  
3 3 implementation of the legislation. The membership of the  
3 4 committee may include designees of the department of human  
3 5 services, the Iowa state association of counties, and service  
3 6 providers, consumers, and advocates. In addition, the  
3 7 membership may include members of the general assembly, serving  
3 8 as ex officio, nonvoting members.  
3 9 k. Implement other provisions to reform and improve the  
3 10 services systems for adults and children.  
3 11 Sec. 2. Section 331.424A, Code 2011, is amended by adding  
3 12 the following new subsection:  
3 13 NEW SUBSECTION. 6. This section is repealed July 1, 2012.  
3 14 Sec. 3. Section 331.438, Code 2011, is amended by adding the  
3 15 following new subsection:  
3 16 NEW SUBSECTION. 5. This section is repealed July 1, 2012.  
3 17 Sec. 4. Section 331.439, Code 2011, is amended by adding the  
3 18 following new subsection:  
3 19 NEW SUBSECTION. 10. This section is repealed July 1, 2012.  
3 20 Sec. 5. Section 331.440, Code 2011, is amended by adding the  
3 21 following new subsection:  
3 22 NEW SUBSECTION. 7. This section is repealed July 1, 2012.  
3 23 Sec. 6. NEW SECTION. 426B.6 Future repeal.  
3 24 This chapter is repealed July 1, 2012.  
3 25 Sec. 7. CONFORMING PROVISIONS. The legislative services  
3 26 agency shall prepare a study bill for consideration by the  
3 27 committees on human resources of the senate and house of  
3 28 representatives for the 2012 legislative session, providing  
3 29 conforming Code changes for implementation of the repeal  
3 30 provisions contained in this Act.  
3 31 Sec. 8. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
3 32 immediate importance, takes effect upon enactment.  
3 33 EXPLANATION  
3 34 This bill relates to county and state responsibilities  
3 35 for mental health, mental retardation, and developmental



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House Study Bill 83 continued

4 1 disabilities (MH/MR/DD) services for adults and children.  
4 2 Legislative findings are stated in a temporary law  
4 3 section addressing reform of the systems for such services.  
4 4 Legislative intent is stated to consider and enact legislation  
4 5 to implement various system reform provisions outlined in the  
4 6 bill.  
4 7 The following Code provisions are repealed on July 1, 2012:  
4 8 Code section 331.424A, establishing county MH/MR/DD services  
4 9 funds and authorizing levies for the funds; Code section  
4 10 331.438, outlining requirements for county MH/MR/DD services  
4 11 expenditures and joint state=county planning, implementing,  
4 12 and funding; Code section 331.439, requiring county management  
4 13 plans and other provisions regarding county eligibility for  
4 14 state property tax relief and allowed growth funding; Code  
4 15 section 331.440, providing for creation of the county central  
4 16 point of coordination process and county management of state  
4 17 case services; and Code chapter 426B, relating to property tax  
4 18 relief funding for the county=administered services, risk pool  
4 19 funding, and related provisions.  
4 20 The legislative services agency is directed to prepare  
4 21 legislation to conform other Code provisions to the repeals  
4 22 contained in the bill.  
4 23 The bill takes effect upon enactment.

LSB 2002YC (10) 84

jp/rj



Iowa General Assembly  
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## House Study Bill 84

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
APPROPRIATIONS BILL BY  
CHAIRPERSON RAECKER)

### A BILL FOR

1 An Act requiring the state board of regents to sell a work of  
2 art and providing for the earnings from the proceeds to be  
3 used for scholarship assistance and including effective date  
4 provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSE 1909YC (7) 84  
jp/nh



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House Study Bill 84 continued

PAG LIN

1 1 Section 1. SALE OF WORK OF ART. The state board of regents  
1 2 shall provide for the sale of the Jackson Pollock painting,  
1 3 "Mural", held by the state university of Iowa. The proceeds  
1 4 from the sale shall be credited to a trust fund. Usage of  
1 5 the moneys in the trust fund shall be limited to providing  
1 6 scholarship assistance to undergraduate students at the  
1 7 university who are residents of this state and majoring in  
1 8 art. If sufficient funds are available, scholarship assistance  
1 9 shall also be provided for such undergraduate students with  
1 10 liberal arts majors other than art. In any fiscal year, the  
1 11 amount of such scholarship assistance provided shall not exceed  
1 12 the amount of interest or earnings on the moneys in the trust  
1 13 fund in the preceding fiscal year. The conditions for the  
1 14 sale shall provide for the painting to be on loan to the state  
1 15 university of Iowa at least once every four years for a period  
1 16 of three months or longer.

1 17 Sec. 2. EFFECTIVE UPON ENACTMENT. This Act, being deemed of  
1 18 immediate importance, takes effect upon enactment.

1 19 EXPLANATION

1 20 This bill requires the state board of regents to provide for  
1 21 the sale of the Jackson Pollock painting, "Mural", held by the  
1 22 state university of Iowa. The proceeds from the sale shall be  
1 23 credited to a trust fund. Usage of the moneys in the trust fund  
1 24 is limited to providing scholarship assistance to undergraduate  
1 25 students at the university who are residents of this state  
1 26 and majoring in art. If sufficient funds are available,  
1 27 scholarship assistance is also required to be provided for such  
1 28 undergraduate students with liberal arts majors other than art.  
1 29 In any fiscal year, the amount of the assistance provided is  
1 30 limited to the amount of interest or earnings on the moneys in  
1 31 the trust fund in the preceding fiscal year.

1 32 The conditions for the sale shall provide for the painting to  
1 33 be on loan to the state university of Iowa at least once every  
1 34 four years for a period of three months or longer.

1 35 The bill takes effect upon enactment.

LSB 1909YC (7) 84

jp/nh



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## House Study Bill 85

HOUSE FILE  
BY (PROPOSED COMMITTEE ON  
COMMERCE BILL BY  
CHAIRPERSON SODERBERG)

### A BILL FOR

1 An Act relating to equipment dealership agreements by providing  
2 for supplier liability.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1923YC (1) 84  
da/nh



Iowa General Assembly  
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House Study Bill 85 continued

PAG LIN

1 1 Section 1. Section 322F.7, Code 2011, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 8. Terminates a dealership agreement for  
1 4 which the supplier is liable in a civil action as provided in  
1 5 section 322F.8.

1 6 Sec. 2. Section 322F.8, subsection 1, paragraph a,  
1 7 subparagraph (1), Code 2011, is amended to read as follows:

1 8 (1) A dealer may bring a legal action against a supplier  
1 9 for damages sustained by the dealer as a consequence of  
1 10 the supplier's violation of any provision of this chapter,  
1 11 including but not limited to a violation described in section  
1 12 322F.7. A supplier violating this chapter shall compensate the  
1 13 dealer for damages sustained by the dealer as a consequence of  
1 14 the supplier's violation, together with the actual costs of the  
1 15 action, including reasonable attorney fees.

1 16 Sec. 3. Section 322F.8, subsection 2, paragraph b, Code  
1 17 2011, is amended to read as follows:

1 18 b. (1) If upon ~~If upon~~ Upon termination of a dealership agreement  
1 19 by nonrenewal or cancellation, by a dealer or supplier, if  
1 20 the supplier fails to make payment or credit the account of  
1 21 the dealer as provided in any provision of this chapter, the  
1 22 supplier is liable in a civil action brought by the dealer  
1 23 for the repurchase amount set forth in section 322F.3, plus  
1 24 interest as calculated pursuant to paragraph "a".

1 25 (2) Upon cancellation of a dealership agreement by a  
1 26 supplier without good cause or cancellation of a dealership  
1 27 agreement by a supplier in violation of any provision of this  
1 28 chapter, if the supplier fails to make payment or credit the  
1 29 account of the dealer as provided in any provision of this  
1 30 chapter, the supplier is liable in a civil action brought by  
1 31 the dealer for the repurchase amount set forth in section  
1 32 322F.3, plus interest as calculated pursuant to paragraph "a".

1 33 EXPLANATION

1 34 This bill addresses supplier=dealership agreements under  
1 35 Code chapter 322F, involving franchises for agricultural





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House Study Bill 85 continued

2 1 equipment; all-terrain vehicles; and construction, industrial,  
2 2 or utility equipment. Generally the Code chapter regulates  
2 3 business relationships between dealerships and suppliers  
2 4 by providing for the terms and conditions of dealership  
2 5 agreements. Code section 322F.7 includes a list of supplier  
2 6 violations and Code section 322F.8 provides a list of causes  
2 7 for a supplier's liability, including for damages sustained  
2 8 by a dealer as a consequence of a supplier's violation of the  
2 9 Code chapter. The bill expressly provides that a violation of  
2 10 the Code chapter and grounds for civil liability include the  
2 11 cancellation of a dealership agreement without good cause (see  
2 12 Code section 322F.1(7)) if the supplier fails to make payment  
2 13 or credit the account of the dealer.

LSB 1923YC (1) 84

da/nh



Iowa General Assembly  
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**Senate File 181 - Introduced**

SENATE FILE  
BY DANIELSON

**A BILL FOR**

1 An Act providing for the modification of property divisions  
2 made pursuant to a dissolution of marriage.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2244XS (3) 84  
pf/nh



Iowa General Assembly  
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Senate File 181 - Introduced continued

PAG LIN

1 1 Section 1. Section 598.21, subsection 7, Code 2011, is  
1 2 amended to read as follows:  
1 3 7. ~~Not subject to~~ Limited modification.  
1 4 a. ~~Property~~ Except as provided in paragraph "b", property  
1 5 divisions made under this chapter are not subject to  
1 6 modification.  
1 7 b. The portion of a property division which constitutes  
1 8 an order intended to be a qualified domestic relations  
1 9 order affecting pension, profit sharing, or stock bonus  
1 10 plans pursuant to the United States Internal Revenue Code is  
1 11 modifiable only for the purpose of establishing or maintaining  
1 12 the order as a qualified domestic relations order or to revise  
1 13 or confirm the order's terms to effectuate the expressed intent  
1 14 of the order.

1 15 EXPLANATION

1 16 This bill allows an exception to the proscription against  
1 17 modification of property divisions made under the dissolution  
1 18 of marriage and domestic relations Code chapter. The exception  
1 19 provides that the portion of a property division which  
1 20 constitutes an order intended to be a qualified domestic  
1 21 relations order (QDRO) affecting pension, profit sharing,  
1 22 or stock bonus plans is modifiable only for the purpose of  
1 23 establishing or maintaining the order as a QDRO or to revise or  
1 24 confirm the order's terms to effectuate the expressed intent  
1 25 of the order.

LSB 2244XS (3) 84  
pf/nh



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**Senate File 182 - Introduced**

SENATE FILE  
BY DANIELSON

**A BILL FOR**

1 An Act related to candidacy and service in elective public  
2 office of public employees.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1859SS (2) 84  
jr/sc



Iowa General Assembly  
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Senate File 182 - Introduced continued

PAG LIN

1 1 Section 1. Section 55.1, Code 2011, is amended by adding the  
1 2 following new subsection:

1 3 NEW SUBSECTION. 5. A city employee who is elected to  
1 4 a municipal, county, state, or federal office shall not be  
1 5 terminated for holding that office unless the employer can  
1 6 show, by clear and convincing evidence, that holding the office  
1 7 to which the employee was elected precludes the employee  
1 8 from performing the required duties of the employee's job  
1 9 description.

1 10 Sec. 2. Section 55.4, Code 2011, is amended to read as  
1 11 follows:

1 12 55.4 Leave of absence for public employee candidacy.

1 13 1. Any public employee who becomes a candidate for any  
1 14 elective public office shall, and only upon request of the  
1 15 employee and commencing any time within thirty days prior to a  
1 16 contested primary, special, or general election and continuing  
1 17 until after the day following that election, automatically be  
1 18 given a period of leave. If the employee is under chapter 8A,  
1 19 subchapter IV, the employee may choose to use accrued vacation  
1 20 leave, accrued compensatory leave or leave without pay to cover  
1 21 these periods. The appointing authority may authorize other  
1 22 employees to use accrued vacation leave or accrued compensatory  
1 23 leave instead of leave without pay to cover these periods. An  
1 24 employee who is a candidate for any elective public office  
1 25 shall not campaign while on duty as an employee.

1 26 2. This section does not apply to employees of the federal  
1 27 government or to a public employee whose position is financed  
1 28 by federal funds if the application of this section would be  
1 29 contrary to federal law or result in the loss of the federal  
1 30 funds.

1 31 EXPLANATION

1 32 This bill prohibits a city from terminating a city employee  
1 33 because the employee holds a publicly elected office unless  
1 34 the employer can show, by clear and convincing evidence, that  
1 35 holding public office precludes the employee from performing



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Senate File 182 - Introduced continued

2 1 the required duties of the employee's job description.  
2 2     The bill also specifies that the current Code provision  
2 3 allowing a public employee who becomes a candidate for public  
2 4 office to be given a leave of absence from employment applies  
2 5 only if the employee requests the leave of absence.  
LSB 1859SS (2) 84  
jr/sc



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**Senate File 183 - Introduced**

SENATE FILE  
BY DANIELSON

**A BILL FOR**

1 An Act requiring public employers to pay public employees  
2     military differential pay.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
   TLSB 1822XS (5) 84  
   je/nh



Iowa General Assembly  
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Senate File 183 - Introduced continued

PAG LIN

1 1 Section 1. NEW SECTION. 29A.27A Military differential pay.

1 2 1. For the purposes of this section:

1 3 a. "Military service" means engagement in federal service,  
1 4 state active duty, or state military service for a period of at  
1 5 least thirty consecutive days.

1 6 b. "Public employee" means any individual employed by a  
1 7 public employer.

1 8 c. "Public employer" means the state of Iowa, its boards,  
1 9 commissions, agencies and departments, and its political  
1 10 subdivisions including school districts and other special  
1 11 purpose districts.

1 12 2. A public employer shall pay a public employee any  
1 13 difference between the public employee's government salary  
1 14 and the public employee's military salary for all periods of  
1 15 absence during military service.

1 16 3. The department of administrative services, in  
1 17 consultation with the department of veterans affairs and  
1 18 political subdivisions of this state, shall adopt rules for  
1 19 implementation of this section.

1 20 Sec. 2. IMPLEMENTATION OF ACT. Section 25B.2, subsection  
1 21 3, shall not apply to this Act.

1 22 EXPLANATION

1 23 This bill requires a public employer to pay a public employee  
1 24 any difference between the public employee's government salary  
1 25 and the public employee's military salary for all periods of  
1 26 absence while engaged in federal service, state active duty, or  
1 27 state military service for a period of at least 30 consecutive  
1 28 days.

1 29 The bill directs the department of administrative services,  
1 30 in consultation with the department of veterans affairs  
1 31 and political subdivisions of the state, to adopt rules for  
1 32 implementation of the bill.

1 33 The bill may include a state mandate as defined in Code  
1 34 section 25B.3. The bill makes inapplicable Code section 25B.2,  
1 35 subsection 3, which would relieve a political subdivision from





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2 1 complying with a state mandate if funding for the cost of  
2 2 the state mandate is not provided or specified. Therefore,  
2 3 political subdivisions are required to comply with any state  
2 4 mandate included in the bill.

LSB 1822XS (5) 84

je/nh



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**Senate File 184 - Introduced**

SENATE FILE  
BY COMMITTEE ON  
TRANSPORTATION

(SUCCESSOR TO SSB  
1032)

**A BILL FOR**

1 An Act relating to intermediate driver's licenses and special  
2 minor's licenses, making a penalty applicable, and including  
3 effective date provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1549SV (3) 84  
dea/nh



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PAG LIN

1 1 Section 1. Section 321.180B, subsections 2 and 3, Code 2011,  
1 2 are amended to read as follows:  
1 3 2. Intermediate license.  
1 4 a. The department may issue an intermediate driver's license  
1 5 to a person sixteen or seventeen years of age who possesses an  
1 6 instruction permit issued under subsection 1 or a comparable  
1 7 instruction permit issued by another state for a minimum of  
1 8 ~~six~~ twelve months immediately preceding application, and  
1 9 who presents an affidavit signed by a parent, guardian, or  
1 10 custodian on a form to be provided by the department that the  
1 11 permittee has accumulated a total of twenty hours of street  
1 12 or highway driving of which two hours were conducted after  
1 13 sunset and before sunrise and the street or highway driving was  
1 14 with the permittee's parent, guardian, custodian, instructor,  
1 15 a person certified by the department, or a person at least  
1 16 twenty=five years of age who had written permission from a  
1 17 parent, guardian, or custodian to accompany the permittee, and  
1 18 whose driving privileges have not been suspended, revoked,  
1 19 or barred under this chapter or chapter 321J during, and  
1 20 who has been accident and violation free continuously for,  
1 21 the ~~six-month~~ twelve-month period immediately preceding the  
1 22 application for an intermediate license. An applicant for an  
1 23 intermediate license must meet the requirements of section  
1 24 321.186, including satisfactory completion of driver education  
1 25 as required in section 321.178, and payment of the required  
1 26 license fee before an intermediate license will be issued. A  
1 27 person issued an intermediate license must limit the number of  
1 28 passengers in the motor vehicle when the intermediate licensee  
1 29 is operating the motor vehicle to the number of passenger  
1 30 safety belts. In addition, for the first six months following  
1 31 issuance of the license, a person issued an intermediate  
1 32 license must limit the number of unrelated minor passengers in  
1 33 the motor vehicle when the intermediate licensee is operating  
1 34 the motor vehicle to one, except when the intermediate licensee  
1 35 is accompanied in accordance with subsection 1. For purposes



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2 1 of this subsection, "unrelated minor passenger" means a  
2 2 passenger who is under twenty=one years of age and who is not a  
2 3 sibling of the driver, a stepsibling of the driver, or a child  
2 4 who resides in the same household as the driver.

2 5 b. Except as otherwise provided, a person issued an  
2 6 intermediate license under this subsection who is operating a  
2 7 motor vehicle between the hours of 12:30 a.m. and 5:00 a.m.  
2 8 must be accompanied by a person issued a driver's license  
2 9 valid for the vehicle operated who is the parent, guardian, or  
2 10 custodian of the ~~permittee~~ intermediate licensee, a member of  
2 11 the ~~permittee's~~ intermediate licensee's immediate family if the  
2 12 family member is at least twenty=one years of age, an approved  
2 13 driver education instructor, a prospective driver education  
2 14 instructor who is enrolled in a practitioner preparation  
2 15 program with a safety education program approved by the state  
2 16 board of education, or a person at least twenty=five years of  
2 17 age if written permission is granted by the parent, guardian,  
2 18 or custodian, and who is actually occupying a seat beside the  
2 19 driver. However, a licensee may operate a vehicle to and from  
2 20 school=related extracurricular activities and work without an  
2 21 accompanying driver between the hours of 12:30 a.m. and 5:00  
2 22 a.m. if ~~such~~ the licensee possesses a waiver on a form to be  
2 23 provided by the department. An accompanying driver is not  
2 24 required between the hours of 5:00 a.m. and 12:30 a.m.

2 25 3. Remedial driver improvement action === suspension of  
2 26 permit, intermediate license, or full license. A person who has  
2 27 been issued an instruction permit, an intermediate license, or  
2 28 a full driver's license under this section, upon conviction of  
2 29 a moving traffic violation or involvement in a motor vehicle  
2 30 accident which occurred during the term of the instruction  
2 31 permit or intermediate license, shall be subject to remedial  
2 32 driver improvement action or suspension of the permit or  
2 33 current license. A person possessing an instruction permit who  
2 34 has been convicted of a moving traffic violation or has been  
2 35 involved in an accident shall not be issued an intermediate



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3 1 license until the person has completed the remedial driver  
3 2 improvement action and has been accident and violation free  
3 3 continuously for the ~~six=month~~ twelve=month period immediately  
3 4 preceding the application for the intermediate license. A  
3 5 person possessing an intermediate license who has been  
3 6 convicted of a moving traffic violation or has been involved in  
3 7 an accident shall not be issued a full driver's license until  
3 8 the person has completed the remedial driver improvement action  
3 9 and has been accident and violation free continuously for the  
3 10 twelve=month period immediately preceding the application for a  
3 11 full driver's license.

3 12 Sec. 2. Section 321.194, subsection 1, Code 2011, is amended  
3 13 by adding the following new paragraph:

3 14 NEW PARAGRAPH. 0b. Unless accompanied in accordance with  
3 15 section 321.180B, subsection 1, a person issued a driver's  
3 16 license pursuant to this section must limit the number of  
3 17 unrelated minor passengers in the motor vehicle when the  
3 18 licensee is operating the motor vehicle to one. For purposes  
3 19 of this section, "unrelated minor passenger" means a passenger  
3 20 who is under twenty=one years of age and who is not a sibling of  
3 21 the driver, a stepsibling of the driver, or a child who resides  
3 22 in the same household as the driver.

3 23 Sec. 3. EFFECTIVE DATE. This Act takes effect January 1,  
3 24 2012.

3 25 EXPLANATION

3 26 This bill amends provisions relating to intermediate  
3 27 driver's licenses under the graduated driver licensing program  
3 28 and to special minor's licenses issued for travel to and from  
3 29 school.

3 30 Under the graduated driver licensing program, a person who  
3 31 is 16 or 17 years of age must possess an instruction permit  
3 32 for a minimum of six months and be accident and violation  
3 33 free continuously during that ~~six=month~~ period to qualify for  
3 34 an intermediate license. The bill increases the required  
3 35 period of possession of an instruction permit to 12 months



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4 1 and requires the person to be accident and violation free  
4 2 continuously during that 12-month period.  
4 3 Under current law, an intermediate licensee may transport  
4 4 as many passengers as there are seatbelts in the vehicle, but  
4 5 there is no passenger restriction specified for a driver with  
4 6 a special minor's license. The bill imposes new passenger  
4 7 restrictions for licensees in both categories. Unless  
4 8 accompanied by a person licensed to drive the vehicle operated  
4 9 who is the parent, guardian, or custodian of the intermediate  
4 10 licensee, a family member who is at least 21 years of age,  
4 11 an approved driver education instructor, a prospective  
4 12 driver education instructor who is enrolled in a qualifying  
4 13 practitioner preparation program, or a person at least 25 years  
4 14 of age with the written permission of the parent, guardian, or  
4 15 custodian of the intermediate licensee and who is occupying a  
4 16 seat beside the driver, a person with an intermediate license  
4 17 or a special minor's license may not operate a motor vehicle  
4 18 with more than one unrelated minor passenger in the vehicle.  
4 19 The restriction on unrelated minor passengers is lifted for  
4 20 an intermediate licensee after six months. The bill defines  
4 21 "unrelated minor passenger" as a passenger under 21 years of  
4 22 age who is not a sibling or stepsibling of the driver or a child  
4 23 who resides in the same household as the driver.  
4 24 A violation of intermediate driver's license restrictions or  
4 25 special minor's license restrictions is a simple misdemeanor  
4 26 punishable by a scheduled fine of \$50.  
4 27 The bill takes effect January 1, 2012.  
LSB 1549SV (3) 84  
dea/nh



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**Senate File 185 - Introduced**

SENATE FILE  
BY COMMITTEE ON HUMAN  
RESOURCES

(SUCCESSOR TO SSB  
1080)

**A BILL FOR**

1 An Act relating to the membership of the medical assistance  
2 advisory council.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2127SV (2) 84  
pf/nh



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PAG LIN

1 1 Section 1. Section 249A.4B, subsection 2, paragraph a, Code  
1 2 2011, is amended by adding the following new subparagraphs:  
1 3 NEW SUBPARAGRAPH. (41) The Iowa dietetic association.  
1 4 NEW SUBPARAGRAPH. (42) The Iowa behavioral health  
1 5 association.

1 6 EXPLANATION

1 7 This bill adds a representative of the Iowa dietetic  
1 8 association and a representative of the Iowa behavioral  
1 9 health association to the membership of the medical assistance  
1 10 advisory council. The medical assistance advisory council was  
1 11 created pursuant to federal law to advise the director of the  
1 12 department of human services about health and medical care  
1 13 services under the medical assistance program. The council  
1 14 is authorized to meet no more than quarterly. An executive  
1 15 committee of the council comprised of 11 members is authorized  
1 16 to meet monthly.

LSB 2127SV (2) 84

pf/nh





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**Senate File 186 - Introduced**

SENATE FILE  
BY SCHOENJAHN

**A BILL FOR**

1 An Act allowing in=state bidders to match comparable  
2 out=of=state bids for purchases or public improvements  
3 through a competitive bidding process by the state or  
4 political subdivisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2282XS (2) 84  
je/nh



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1 1 Section 1. Section 8A.311, Code 2011, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 12A. If the lowest responsive bid received  
1 4 by the state or a political subdivision for products or other  
1 5 purchases is from an out-of-state business, and an Iowa-based  
1 6 business submitted a bid which is within five percent or ten  
1 7 thousand dollars of the price of the lowest bid, whichever is  
1 8 less, the Iowa-based business shall be notified and shall be  
1 9 allowed to match the lowest bid before a contract is awarded.

1 10 Sec. 2. NEW SECTION. 73.3A Matching by Iowa bidders.

1 11 1. Notwithstanding this chapter, chapter 26, chapter 73A,  
1 12 chapter 309, chapter 310, chapter 331, or chapter 384, if the  
1 13 lowest responsive bid received for a contract for a public  
1 14 improvement or works is from an out-of-state business, and  
1 15 an Iowa-based business submitted a bid which is within five  
1 16 percent or ten thousand dollars of the price of the lowest bid,  
1 17 whichever is less, the Iowa-based business shall be notified  
1 18 and shall be allowed to match the lowest bid before a contract  
1 19 is awarded.

1 20 2. This section applies to the state, its agencies, and any  
1 21 political subdivisions of the state.

1 22 EXPLANATION

1 23 This bill provides that for purchases and public improvement  
1 24 construction contracts initiated by the state or a political  
1 25 subdivision through a competitive bidding process, if the  
1 26 lowest responsive bid received is from an out-of-state  
1 27 business, and an in-state business submitted a bid which  
1 28 is within 5 percent or \$10,000 of the price of the lowest  
1 29 responsive bid, whichever is less, the state or political  
1 30 subdivision shall notify the in-state business and allow it to  
1 31 match the lowest responsive bid before a contract is awarded.

LSB 2282XS (2) 84

je/nh



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**Senate File 187 - Introduced**

SENATE FILE

BY CHELGREN, ANDERSON,  
BERTRAND, JOHNSON,  
ERNST, BOETTGER,  
BARTZ, SORENSON, ZAUN,  
HAHN, and KAPUCIAN

(COMPANION TO HF 10 BY  
PETTENGILL)

**A BILL FOR**

1 An Act repealing statewide licensure requirements for  
2 electricians and electrical contractors, including  
3 transition provisions, and providing an effective date.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1255XS (3) 84  
rn/rj



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1 1 Section 1. Section 100C.2, subsection 4, paragraph b, Code  
1 2 2011, is amended to read as follows:

1 3 b. An employee or subcontractor of a certified alarm system  
1 4 contractor who is an alarm system installer, ~~and who is not~~  
~~1 5 licensed pursuant to chapter 103~~ shall obtain and maintain  
1 6 certification as an alarm system installer and shall meet and  
1 7 maintain qualifications established by the state fire marshal  
1 8 by rule.

1 9 Sec. 2. Section 100C.10, subsection 3, Code 2011, is amended  
1 10 to read as follows:

1 11 3. The state fire marshal, or the state fire marshal's  
1 12 designee, ~~and the chairperson of the electrical examining board~~  
~~1 13 created in section 103.2~~ shall be nonvoting ex officio members  
1 14 of the board.

1 15 Sec. 3. REPEAL. Chapter 103, Code 2011, is repealed.

1 16 Sec. 4. TRANSITION PROVISIONS. The division of state fire  
1 17 marshal of the department of public safety shall adopt rules  
1 18 establishing a procedure for the refunding of license fees  
1 19 remitted by licensees under chapter 103 on a prorated basis  
1 20 corresponding to the period remaining after December 31, 2011,  
1 21 and prior to a license's expiration date.

1 22 Sec. 5. EFFECTIVE DATE The sections of this Act amending  
1 23 sections 100C.2 and 100C.10, and repealing chapter 103, take  
1 24 effect December 31, 2011.

1 25 EXPLANATION

1 26 This bill repeals Code chapter 103, providing for statewide  
1 27 licensure of electricians and electrical contractors. The  
1 28 effect of this repeal would be to return to the system of  
1 29 administration and regulation of electricians and electrical  
1 30 contractors, and electrical inspections, by political  
1 31 subdivisions in place prior to the enactment of the Code  
1 32 chapter. The bill directs the division of state fire marshal  
1 33 of the department of public safety to adopt rules providing for  
1 34 refunding license fees on a prorated basis corresponding to  
1 35 the period remaining after the repeal and prior to a license's



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2 1 expiration date. The bill makes conforming changes within  
2 2 Code chapter 100C, which regulates the licensing of fire  
2 3 extinguishing and alarm system contractors and installers.  
2 4 Provisions of the bill regarding the adoption of rules for  
2 5 prorating license fees take effect July 1, 2011. The remaining  
2 6 provisions of the bill take effect December 31, 2011.

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rn/rj



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**Senate File 188 - Introduced**

SENATE FILE

BY CHELGREN, SORENSON,  
WHITVER, ERNST, ZAUN,  
FEENSTRA, BARTZ, HAHN,  
and KAPUCIAN

(COMPANION TO HF 42 BY  
PETTENGILL)

**A BILL FOR**

1 An Act repealing the Iowa plumber, mechanical professional, and  
2 contractor licensing Act.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2186XS (2) 84  
jr/sc



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1 1 Section 1. Section 100D.11, subsection 3, Code 2011, is  
1 2 amended by striking the subsection.  
1 3 Sec. 2. Section 272C.1, subsection 6, paragraph ae, Code  
1 4 2011, is amended by striking the paragraph.  
1 5 Sec. 3. Section 272C.3, subsection 2, paragraph a, Code  
1 6 2011, is amended to read as follows:  
1 7 a. Revoke a license, or suspend a license either until  
1 8 further order of the board or for a specified period, upon any  
1 9 of the grounds specified in section 100D.5, ~~105.22,~~ 147.55,  
1 10 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13, 455B.219,  
1 11 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or 602.3203 or  
1 12 chapter 151 or 155, as applicable, or upon any other grounds  
1 13 specifically provided for in this chapter for revocation of  
1 14 the license of a licensee subject to the jurisdiction of  
1 15 that board, or upon failure of the licensee to comply with a  
1 16 decision of the board imposing licensee discipline.  
1 17 Sec. 4. Section 272C.4, subsection 6, Code 2011, is amended  
1 18 to read as follows:  
1 19 6. Define by rule acts or omissions that are grounds for  
1 20 revocation or suspension of a license under section 100D.5,  
1 21 ~~105.22,~~ 147.55, 148.6, 148B.7, 152.10, 153.34, 154A.24, 169.13,  
1 22 455B.219, 542.10, 542B.21, 543B.29, 544A.13, 544B.15, or  
1 23 602.3203 or chapter 151 or 155, as applicable, and to define  
1 24 by rule acts or omissions that constitute negligence, careless  
1 25 acts, or omissions within the meaning of section 272C.3,  
1 26 subsection 2, paragraph "b", which licensees are required to  
1 27 report to the board pursuant to section 272C.9, subsection 2.  
1 28 Sec. 5. Section 272C.5, subsection 2, paragraph c, Code  
1 29 2011, is amended to read as follows:  
1 30 c. Shall state whether the procedures are an alternative  
1 31 to or an addition to the procedures stated in sections 100D.5,  
1 32 ~~105.23, 105.24,~~ 148.6 through 148.9, 152.10, 152.11, 153.33,  
1 33 154A.23, 542.11, 542B.22, 543B.35, 543B.36, and 544B.16.  
1 34 Sec. 6. REPEAL. Chapter 105, Code 2011, is repealed.  
1 35 Sec. 7. DISPOSITION OF LICENSING FEES. All licensing fees



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2 1 collected under chapter 105 shall be prorated to June 30, 2011,  
2 2 and that portion of the licensing fee which represents the  
2 3 remaining period of the license, following June 30, 2011, shall  
2 4 be returned to the licensee.

2 5 EXPLANATION

2 6 This bill repeals the Iowa plumber, mechanical professional,  
2 7 and contractor licensing Act. This repeal also eliminates  
2 8 language in Code section 105.17 that provides that Code  
2 9 chapter 105 supersedes and preempts all plumbing, heating,  
2 10 ventilation, air conditioning (HVAC), refrigeration, hydronic,  
2 11 and contracting licensing provisions of cities and counties.

2 12 The bill provides that all licensing fees collected shall  
2 13 be prorated to June 30, 2011, and that the portion of the  
2 14 licensing fee which represents the remaining period of the  
2 15 license, following June 30, 2011, shall be returned to the  
2 16 licensee.

LSB 2186XS (2) 84

jr/sc





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**Senate File 189 - Introduced**

SENATE FILE  
BY FEENSTRA

**A BILL FOR**

1 An Act relating to the mechanism by which a county may  
2 consolidate the functions of certain county officers.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1794XS (3) 84  
aw/sc



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1 1 Section 1. Section 331.323, subsection 1, paragraphs b and  
1 2 c, Code 2011, are amended to read as follows:  
1 3 b. ~~If a petition of electors equal in number to twenty-five~~  
1 4 ~~percent of the votes cast for the county office receiving the~~  
1 5 ~~greatest number of votes at the preceding general election~~  
1 6 ~~is filed with the auditor the board of supervisors adopts a~~  
1 7 resolution for officer consolidation no later than five working  
1 8 days before the filing deadline for candidates for county  
1 9 offices as specified in section 44.4 for the next general  
1 10 election, the board shall direct the commissioner of elections  
1 11 to call an election for the purpose of voting on the ~~proposal~~  
1 12 proposition. If the ~~petition~~ resolution contains more than one  
1 13 proposal for combining duties, each proposal shall be listed on  
1 14 the ballot as a separate issue. If the majority of the votes  
1 15 cast is in favor of a proposal, the board shall take all steps  
1 16 necessary to combine the duties as specified in the ~~petition~~  
1 17 resolution.  
1 18 c. The ~~petition~~ resolution shall state the offices and  
1 19 positions to be combined and the offices or positions to be  
1 20 abolished. Offices and positions that have been combined may  
1 21 be subsequently separated ~~by a petition and election~~ in the  
1 22 same manner as provided in paragraph "b".  
1 23 EXPLANATION  
1 24 This bill relates to the mechanism by which a county may  
1 25 consolidate the functions of certain county officers.  
1 26 Current law allows a county to consolidate the duties of 11  
1 27 county officers or employees, including the sheriff, treasurer,  
1 28 recorder, auditor, medical examiner, general assistance  
1 29 director, county care facility administrator, commission on  
1 30 veterans affairs, director of social welfare, county assessor,  
1 31 or county weed commissioner. The county may consolidate two or  
1 32 more of these officers or employees.  
1 33 Current law requires that in order for a county to combine  
1 34 the duties of any of these officers, a petition of eligible  
1 35 electors equal to 25 percent of votes cast for the county



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2 1 office receiving the most votes at the most recent general  
2 2 election must be filed with the county auditor no later than  
2 3 five days before the deadline for filing nomination papers  
2 4 for county office. If such a petition is filed, the board of  
2 5 supervisors is required to direct the commissioner of elections  
2 6 to call an election to vote on the proposal. The proposal is  
2 7 adopted if a simple majority of voters approves it.  
2 8     This bill would transfer the authority to submit a proposal  
2 9 for combining duties from a petition process to adoption of  
2 10 a resolution by the board of supervisors. If the board of  
2 11 supervisors adopts a resolution to combine duties, then the  
2 12 board must direct the commissioner of elections to call an  
2 13 election to vote on the proposition.

LSB 1794XS (3) 84

aw/sc



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**Senate File 190 - Introduced**

SENATE FILE  
BY SODDERS

**A BILL FOR**

1 An Act providing for a deaf and hard=of=hearing children's  
2 educational bill of rights.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1679XS (3) 84  
jp/nh



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1 1 Section 1. NEW SECTION. 256J.1 Short title.  
1 2 This chapter shall be known and may be cited as the "Deaf and  
1 3 Hard-of-Hearing Children's Educational Bill of Rights".  
1 4 Sec. 2. NEW SECTION. 256J.2 Findings and purpose.  
1 5 1. Findings. The general assembly finds all of the  
1 6 following:  
1 7 a. Hearing loss affects the most basic human need of  
1 8 communication. Without quality communication, a child is  
1 9 isolated from other human beings and from the exchange of  
1 10 knowledge essential for educational growth, both planned and  
1 11 incidental, and, therefore, cannot fully develop the academic,  
1 12 social, and emotional skills required to become a productive,  
1 13 capable adult, and a full participatory member of society.  
1 14 b. Children with hearing loss have the same innate  
1 15 capabilities as any other children. They may communicate in a  
1 16 wide variety of manual and spoken modes or systems of English.  
1 17 Some use aural/oral modes of communication, while others use a  
1 18 combination of aural/oral and manual modes of communication.  
1 19 Many use American sign language.  
1 20 c. Therefore, it is critical that all Iowans work toward  
1 21 ensuring that all of the following will occur:  
1 22 (1) Parents or guardians have full and informed  
1 23 participation in their children's educational planning.  
1 24 (2) Families of children who are deaf or hard-of-hearing  
1 25 receive accurate, balanced, and complete information regarding  
1 26 their child's educational and communication needs.  
1 27 (3) Parents or guardians have information on all available  
1 28 programmatic, placement, and resource options, including  
1 29 special school participation.  
1 30 (4) Families of children who are deaf or hard-of-hearing  
1 31 have access to support services and advocacy resources from  
1 32 public and private agencies and all other institutions and  
1 33 resources knowledgeable about hearing loss and the needs of  
1 34 children who are deaf or hard-of-hearing.  
1 35 (5) Deaf and hard-of-hearing children, like all children,



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2 1 have direct, quality, ongoing, and fluid communication, both in  
2 2 and out of the classroom.

2 3 (6) Deaf and hard=of=hearing children are placed in  
2 4 the least restrictive educational environment. For deaf  
2 5 and hard=of=hearing children that environment should be  
2 6 an accessible, language rich environment, and services  
2 7 are provided based on the children's unique communication,  
2 8 language, and educational needs, consistent with 20 U.S.C. {  
2 9 1414(d) (3) (B) (iv) of the federal Individuals with Disabilities  
2 10 Education Act.

2 11 (7) Deaf and hard=of=hearing children are given an  
2 12 education in which they have access to teachers, related  
2 13 service providers, and evaluators who understand the unique  
2 14 nature of deafness, and are specifically trained to work  
2 15 with hard=of=hearing and deaf pupils and can communicate  
2 16 spontaneously and fluidly with these children.

2 17 (8) Deaf and hard=of=hearing children, like all children,  
2 18 have the benefit of an education in which there are a  
2 19 sufficient number of age=appropriate peers and adults with whom  
2 20 they can interact and communicate directly or, as appropriate,  
2 21 through the use of qualified and licensed interpreters.

2 22 (9) Deaf and hard=of=hearing children can receive an  
2 23 education in which they are exposed to and interact with deaf  
2 24 and hard=of=hearing role models.

2 25 (10) Deaf and hard=of=hearing children, like all children,  
2 26 have direct and appropriate communication access to all typical  
2 27 components of the educational process, including recess, lunch,  
2 28 and extracurricular, social, and athletic activities.

2 29 (11) Deaf and hard=of=hearing children, like all children,  
2 30 are provided with programs in which transition planning, as  
2 31 required under the federal Individuals with Disabilities  
2 32 Education Act, focuses on their unique vocational and academic  
2 33 needs.

2 34 (12) Deaf and hard=of=hearing children have the right to  
2 35 early intervention to facilitate the acquisition of a solid



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3 1 language base or bases to be developed at the earliest possible  
3 2 age.

3 3 2. Purpose. Given the central importance of communication  
3 4 to all human beings, the purpose of this chapter is to  
3 5 encourage the development of a communication-driven and  
3 6 language-driven educational delivery system in Iowa that  
3 7 supports the emotional and social development of children who  
3 8 are deaf or hard-of-hearing.

3 9 Sec. 3. NEW SECTION. 256J.3 Educational rights of deaf and  
3 10 hard-of-hearing children == recommendations.

3 11 1. The general assembly encourages the development and  
3 12 regular updating of specific recommendations by all state  
3 13 agencies, institutions, and political subdivisions of the  
3 14 state concerned with early intervention, early childhood, and  
3 15 kindergarten through twelfth grade education of students who  
3 16 are deaf or hard-of-hearing, including but not limited to the  
3 17 department of education, the Iowa school for the deaf, and  
3 18 the department of public health, to ensure that children who  
3 19 are deaf or hard-of-hearing have an educational environment  
3 20 in which their language and communication needs are fully  
3 21 addressed and developed and in which they have early, ongoing,  
3 22 and quality access to planned and incidental communication  
3 23 opportunities.

3 24 2. The recommendations, consistent with the findings and  
3 25 purpose of this chapter, should be completed and regularly  
3 26 updated by the state agencies, institutions, and political  
3 27 subdivisions addressed by this section.

3 28 EXPLANATION

3 29 This bill provides for the deaf and hard-of-hearing  
3 30 children's educational bill of rights in new Code chapter 256J.

3 31 New Code section 256J.1 provides that Code chapter 256J  
3 32 may be cited as the "Deaf and Hard-of-Hearing Children's  
3 33 Educational Bill of Rights".

3 34 New Code section 256J.2 lists legislative findings as to the  
3 35 need for the new Code chapter and states a purpose.



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4 1 New Code section 256J.3 encourages state agencies,  
4 2 institutions, and political subdivisions of the state concerned  
4 3 with the education of such children to develop and regularly  
4 4 update recommendations for meeting the educational needs of  
4 5 deaf and hard=of=hearing children.

LSB 1679XS (3) 84

jp/nh





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**Senate File 191 - Introduced**

SENATE FILE  
BY BOWMAN

**A BILL FOR**

1 An Act relating to funding requirements for whole grade sharing  
2 agreements.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1621XS (6) 84  
md/sc



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1 1 Section 1. Section 282.12, subsection 2, Code 2011, is  
1 2 amended to read as follows:  
1 3 2. For one-way sharing, the sending district shall pay ~~no~~  
~~1 4 less than one-half~~ a percentage of the district cost per pupil  
1 5 of the sending district that is proportionate to the percentage  
1 6 of the pupil's school day during which the pupil attends  
1 7 classes in the receiving district minus any actual costs  
1 8 incurred by the sending district including but not limited to  
1 9 transportation and administration costs, if such costs are  
1 10 specified in the agreement.

1 11 EXPLANATION

1 12 Current Code section 282.12 requires a sending district in a  
1 13 one-way whole grade sharing agreement to pay to the receiving  
1 14 district not less than one-half of the sending district's  
1 15 cost per pupil. This bill requires a sending district in a  
1 16 one-way whole grade sharing agreement to pay a percentage of  
1 17 the sending district's cost per pupil that is proportionate  
1 18 to the percentage of the pupil's school day during which the  
1 19 pupil attends classes in the receiving district minus any  
1 20 actual costs incurred by the sending district including but not  
1 21 limited to transportation and administration costs, if such  
1 22 costs are specified in the agreement.

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md/sc



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**Senate File 192 - Introduced**

SENATE FILE  
BY COMMITTEE ON NATURAL  
RESOURCES AND  
ENVIRONMENT

(SUCCESSOR TO SSB  
1079)

**A BILL FOR**

- 1 An Act relating to snowmobile registration and permit fees.
- 2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1966SV (2) 84  
dea/nh



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1 1 Section 1. Section 321G.4, subsection 2, Code 2011, is  
1 2 amended to read as follows:

1 3 2. The owner of the snowmobile shall file an application  
1 4 for registration with the department through a county recorder  
1 5 in the manner established by the commission. The application  
1 6 shall be completed by the owner and shall be accompanied by a  
1 7 fee of ~~fifteen~~ thirty dollars and a writing fee as provided  
1 8 in section 321G.27. A snowmobile shall not be registered by  
1 9 the county recorder until the county recorder is presented  
1 10 with receipts, bills of sale, or other satisfactory evidence  
1 11 that the sales or use tax has been paid for the purchase of  
1 12 the snowmobile or that the owner is exempt from paying the  
1 13 tax. A snowmobile that has an expired registration certificate  
1 14 from another state may be registered in this state upon proper  
1 15 application, payment of all applicable registration and writing  
1 16 fees, and payment of a penalty of five dollars.

1 17 Sec. 2. Section 321G.4A, subsection 2, Code 2011, is amended  
1 18 to read as follows:

1 19 2. A county recorder or a license agent designated by the  
1 20 director pursuant to section 483A.11 may issue user permits.  
1 21 The fee for a user permit shall be ~~fifteen~~ thirty dollars plus  
1 22 an administrative fee established by the commission. A county  
1 23 recorder or a license agent shall retain a writing fee from the  
1 24 sale of each user permit as provided in section 321G.27.

1 25 Sec. 3. Section 321G.6, subsections 1 and 4, Code 2011, are  
1 26 amended to read as follows:

1 27 1. Every snowmobile registration certificate and  
1 28 registration decal issued expires at midnight December 31  
1 29 unless sooner terminated or discontinued in accordance with  
1 30 this chapter or rules of the commission. After the first  
1 31 day of September each year, an unregistered snowmobile  
1 32 may be registered and a registration may be renewed in one  
1 33 transaction. The fee is five dollars for the remainder of the  
1 34 current year, in addition to the registration fee of ~~fifteen~~  
1 35 thirty dollars for the subsequent year beginning January 1, and



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2 1 a writing fee as provided in section 321G.27.  
2 2 4. A county recorder or a license agent designated by the  
2 3 director pursuant to section 483A.11 may issue snowmobile  
2 4 registration renewals electronically pursuant to rules adopted  
2 5 by the commission. The fee for a registration renewal issued  
2 6 using an electronic system is ~~fifteen~~ thirty dollars plus an  
2 7 administrative fee established by the commission and a writing  
2 8 fee as provided in section 321G.27.

2 9 EXPLANATION

2 10 This bill increases the annual fee for registration of  
2 11 a snowmobile from \$15 to \$30. In addition, the fee for a  
2 12 nonresident user permit is increased from \$15 to \$30.

2 13 Pursuant to current law, snowmobile registration fees  
2 14 and permit fees are deposited in a special snowmobile fund  
2 15 and appropriated to the department of natural resources for  
2 16 snowmobile programs, with at least 50 percent of the moneys  
2 17 available for political subdivisions and incorporated private  
2 18 organizations.

2 19 Every snowmobile operated on public land or ice in the state  
2 20 is required to be registered annually with the department,  
2 21 except snowmobiles owned and used by the United States,  
2 22 another state, or a political subdivision of another state  
2 23 and snowmobiles used exclusively as farm implements. State  
2 24 agencies and political subdivisions of this state are exempt  
2 25 from payment of the annual registration fee.

LSB 1966SV (2) 84

dea/nh



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**Senate File 193 - Introduced**

SENATE FILE  
BY ZAUN

**A BILL FOR**

1 An Act relating to equipment dealership agreements by providing  
2 for supplier liability.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1923SS (3) 84  
da/nh



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1 1 Section 1. Section 322F.7, Code 2011, is amended by adding  
1 2 the following new subsection:

1 3 NEW SUBSECTION. 8. Terminates a dealership agreement for  
1 4 which the supplier is liable in a civil action as provided in  
1 5 section 322F.8.

1 6 Sec. 2. Section 322F.8, subsection 1, paragraph a,  
1 7 subparagraph (1), Code 2011, is amended to read as follows:

1 8 (1) A dealer may bring a legal action against a supplier  
1 9 for damages sustained by the dealer as a consequence of  
1 10 the supplier's violation of any provision of this chapter,  
1 11 including but not limited to a violation described in section  
1 12 322F.7. A supplier violating this chapter shall compensate the  
1 13 dealer for damages sustained by the dealer as a consequence of  
1 14 the supplier's violation, together with the actual costs of the  
1 15 action, including reasonable attorney fees.

1 16 Sec. 3. Section 322F.8, subsection 2, paragraph b, Code  
1 17 2011, is amended to read as follows:

1 18 b. (1) If upon ~~If upon~~ Upon termination of a dealership agreement  
1 19 by nonrenewal or cancellation, by a dealer or supplier, if  
1 20 the supplier fails to make payment or credit the account of  
1 21 the dealer as provided in any provision of this chapter, the  
1 22 supplier is liable in a civil action brought by the dealer  
1 23 for the repurchase amount set forth in section 322F.3, plus  
1 24 interest as calculated pursuant to paragraph "a".

1 25 (2) Upon cancellation of a dealership agreement by a  
1 26 supplier without good cause or cancellation of a dealership  
1 27 agreement by a supplier in violation of any provision of this  
1 28 chapter, if the supplier fails to make payment or credit the  
1 29 account of the dealer as provided in any provision of this  
1 30 chapter, the supplier is liable in a civil action brought by  
1 31 the dealer for the repurchase amount set forth in section  
1 32 322F.3, plus interest as calculated pursuant to paragraph "a".

1 33 EXPLANATION

1 34 This bill addresses supplier=dealership agreements under  
1 35 Code chapter 322F, involving franchises for agricultural



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2 1 equipment; all-terrain vehicles; and construction, industrial,  
2 2 or utility equipment. Generally the Code chapter regulates  
2 3 business relationships between dealerships and suppliers  
2 4 by providing for the terms and conditions of dealership  
2 5 agreements. Code section 322F.7 includes a list of supplier  
2 6 violations and Code section 322F.8 provides a list of causes  
2 7 for a supplier's liability, including for damages sustained  
2 8 by a dealer as a consequence of a supplier's violation of the  
2 9 Code chapter. The bill expressly provides that a violation of  
2 10 the Code chapter and grounds for civil liability include the  
2 11 cancellation of a dealership agreement without good cause (see  
2 12 Code section 322F.1(7)) if the supplier fails to make payment  
2 13 or credit the account of the dealer.

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da/nh





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**Senate File 194 - Introduced**

SENATE FILE  
BY COMMITTEE ON VETERANS  
AFFAIRS

(SUCCESSOR TO SSB  
1047)

**A BILL FOR**

1 An Act relating to the Iowa military code and military service  
2 by making changes related to the use and support of certain  
3 facilities, operations support, employment and rank of  
4 active and retired military personnel, the definition of  
5 performing military duty, tort claims protections, and  
6 including effective date provisions.  
7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1316SV (3) 84  
aw/sc



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1 1 Section 1. Section 29A.14, Code 2011, is amended to read as  
1 2 follows:

1 3 29A.14 ~~Leasing~~ Support and facilities improvement fund.

1 4 1. The adjutant general may operate or lease any of the  
1 5 national guard facilities at Camp Dodge. Any income or revenue  
1 6 derived from the operation or leasing shall be deposited with  
1 7 the treasurer of state and credited to the national guard  
1 8 support and facilities improvement fund. The balance in  
1 9 the national guard support and facilities improvement fund  
1 10 is limited to a maximum of two million dollars. Any amount  
1 11 exceeding the limit shall be credited to the general fund of  
1 12 the state.

1 13 2. A national guard support and facilities improvement fund  
1 14 is created in the state treasury. The proceeds of the fund are  
1 15 appropriated, and shall be used ~~only~~ to support national guard  
1 16 operations and for the construction, improvement, modification,  
1 17 maintenance or repair of national guard facilities. However,  
1 18 proceeds of the fund shall not be used for the construction of  
1 19 a new facility without the approval of the general assembly.

1 20 Sec. 2. Section 29A.14A, Code 2011, is amended to read as  
1 21 follows:

1 22 29A.14A Use of government facilities.

1 23 Notwithstanding any provision of law to the contrary, the  
1 24 state or any political subdivision of the state, shall permit  
1 25 the rental of facilities under its control, for a fee not  
1 26 in excess of any expenses incurred by the state or political  
1 27 subdivision, for designated military events. For purposes  
1 28 of this section, "designated military event" means an event,  
1 29 ~~authorized by the adjutant general,~~ for military family  
1 30 readiness groups, departing units, or ~~for~~ returning veterans  
1 31 of the national guard, reserves, or regular components of the  
1 32 armed forces of the United States for a period of up to one year  
1 33 from the date of return from active duty.

1 34 Sec. 3. Section 29A.19, Code 2011, is amended to read as  
1 35 follows:



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2 1 29A.19 Quartermaster.

2 2 A present or retired ~~commissioned officer~~ member of the  
2 3 national guard who has ten years' service in the Iowa army  
2 4 national guard or the Iowa air national guard ~~and has attained~~  
~~2 5 the grade of a field officer~~ shall be detailed to be the  
2 6 quartermaster and property officer of the state, who shall have  
2 7 charge of and be accountable for, under the adjutant general,  
2 8 all state military property. The quartermaster shall keep  
2 9 property returns and reports and give bond to the state of Iowa  
2 10 as the governor may direct.

2 11 Sec. 4. Section 29A.23, Code 2011, is amended to read as  
2 12 follows:

2 13 29A.23 Roll of retired officers and enlisted personnel.

2 14 An officer or enlisted person who is a member of the Iowa  
2 15 national guard who has completed twenty years of military  
2 16 service under 10 U.S.C. { 1331(d), as evidenced by a letter of  
2 17 notification of retired pay at age sixty, shall upon retirement  
2 18 from the Iowa national guard and written request to the  
2 19 adjutant general be placed by order of the commander in chief  
2 20 on a roll in the office of the adjutant general to be known as  
2 21 the "roll of retired national guard military personnel." A  
2 22 member registered on the roll is entitled to wear the uniform  
2 23 of the rank last held on state or other occasions of ceremony,  
2 24 when the wearing of such uniform is not in conflict with  
2 25 federal law.

2 26 Sec. 5. Section 29A.57, subsection 2, Code 2011, is amended  
2 27 to read as follows:

2 28 2. The board may acquire land or real estate by purchase,  
2 29 contract for purchase, gift, or bequest and acquire, own,  
2 30 contract for the construction of, erect, purchase, maintain,  
2 31 alter, operate, and repair installations and facilities of the  
2 32 Iowa army national guard and the Iowa air national guard when  
2 33 funds for the installations and facilities are made available  
2 34 by the federal government, the state of Iowa, municipalities,  
2 35 corporations, or individuals. The title to the property so



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3 1 acquired shall be taken in the name of the state of Iowa and the  
3 2 real estate may be sold or exchanged by the executive council,  
3 3 upon recommendation of the board, when it is no longer needed  
3 4 for the purpose for which it was acquired. Income or revenue  
3 5 derived from the sale of the real estate shall be credited to  
3 6 the national guard support and facilities improvement fund and  
3 7 used for the purposes specified in section 29A.14, subsection  
3 8 2.

3 9 Sec. 6. Section 29A.78, Code 2011, is amended to read as  
3 10 follows:

3 11 29A.78 Brevet rank.

3 12 The commander in chief, on the recommendation of the  
3 13 adjutant general, may commission by brevet general and field  
3 14 grade officers ~~of~~ in the national guard whose names appear on  
3 15 the roll of retired military personnel as defined in section  
3 16 29A.23 in the next higher grade than that held at retirement or  
3 17 resignation. Brevet rank is only honorary and does not confer  
3 18 any privilege, precedence or command or pay any emoluments.  
3 19 Brevet officers may wear the uniform of their brevet rank on  
3 20 occasions of ceremonies related to state functions only.

3 21 Sec. 7. Section 144.13B, Code 2011, is amended to read as  
3 22 follows:

3 23 144.13B Waiver of fees ==== military service.

3 24 Notwithstanding any provision of this chapter to the  
3 25 contrary, the certified copy fees for a birth certificate or  
3 26 death certificate of a service member, ~~as defined in section~~  
~~3 27 29A.90, who died while on active duty performing military duty,~~  
3 28 as defined in section 29A.1, subsection 3, 11, or 12, shall be  
3 29 waived for a period of one year from the date of death for a  
3 30 family member of the deceased service member.

3 31 Sec. 8. Section 144C.6, subsection 4, Code 2011, is amended  
3 32 to read as follows:

3 33 4. A declaration for disposition of remains made by  
3 34 a service member, ~~as defined in section 29A.90, who died~~  
3 35 while performing military duty as defined in section 29A.1,



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4 1 subsection 3, 11, or 12, on forms provided and authorized by  
4 2 the department of defense for service members for this purpose  
4 3 shall constitute a valid declaration of designee for purposes  
4 4 of this chapter.  
4 5 Sec. 9. Section 476.20, subsection 3, unnumbered paragraph  
4 6 3, Code 2011, is amended to read as follows:  
4 7 The rules established by the board shall provide that  
4 8 a public utility furnishing gas or electricity shall not  
4 9 disconnect service to a residence in which one of the heads of  
4 10 household is a service member deployed for military service, as  
4 11 defined in section ~~29A.90~~ 29A.1, subsection 3, prior to a date  
4 12 ninety days after the end of the service member's deployment,  
4 13 if the public utility is informed of the deployment.  
4 14 Sec. 10. Section 483A.24A, Code 2011, is amended to read as  
4 15 follows:  
4 16 483A.24A License refunds ==== military service.  
4 17 Notwithstanding any provision of this chapter to the  
4 18 contrary, a service member deployed for military service, both  
4 19 as defined in section ~~29A.90~~ 29A.1, subsection 3, shall receive  
4 20 a refund of that portion of any license fee paid by the service  
4 21 member representing the service member's period of military  
4 22 service.  
4 23 Sec. 11. Section 669.2, subsection 4, unnumbered paragraph  
4 24 1, Code 2011, is amended to read as follows:  
4 25 "Employee of the state" includes any one or more officers,  
4 26 agents, or employees of the state or any state agency,  
4 27 including members of the general assembly, and persons acting  
4 28 on behalf of the state or any state agency in any official  
4 29 capacity, temporarily or permanently in the service of the  
4 30 state of Iowa, whether with or without compensation, but  
4 31 does not include a contractor doing business with the state.  
4 32 Professional personnel, including physicians, osteopathic  
4 33 physicians and surgeons, osteopathic physicians, optometrists,  
4 34 dentists, nurses, physician assistants, and other medical  
4 35 personnel, who render services to patients or inmates of state



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5 1 institutions under the jurisdiction of the department of human  
5 2 services or the Iowa department of corrections, and employees  
5 3 of the department of veterans affairs, are to be considered  
5 4 employees of the state, whether the personnel are employed on a  
5 5 full-time basis or render services on a part-time basis on a  
5 6 fee schedule or other arrangement. Criminal defendants while  
5 7 performing unpaid community service ordered by the district  
5 8 court, board of parole, or judicial district department of  
5 9 correctional services, or an inmate providing services pursuant  
5 10 to a chapter 28E agreement entered into pursuant to section  
5 11 904.703, and persons supervising those inmates under and  
5 12 according to the terms of the chapter 28E agreement, are to  
5 13 be considered employees of the state. Members of the Iowa  
5 14 national guard performing duties in a requesting state pursuant  
5 15 to section 29C.21 are to be considered employees of the state  
5 16 solely for the purpose of claims arising out of those duties  
5 17 in the event that the requesting state's tort claims coverage  
5 18 does not extend to such members of the Iowa national guard or  
5 19 is less than that provided under Iowa law.

5 20 Sec. 12. Section 724.7, subsection 2, Code 2011, is amended  
5 21 to read as follows:

5 22 2. The commissioner of public safety shall develop a process  
5 23 to allow service members deployed for military service to  
5 24 submit a renewal of a nonprofessional permit to carry weapons  
5 25 early and by mail. In addition, a permit issued to a service  
5 26 member who is deployed for military service, as defined in  
5 27 ~~section 29A.90~~ 29A.1, subsection 3, 11, or 12, that would  
5 28 otherwise expire during the period of deployment shall remain  
5 29 valid for ninety days after the end of the service member's  
5 30 deployment.

5 31 Sec. 13. EFFECTIVE UPON ENACTMENT. The section of this Act  
5 32 amending section 29A.14, being deemed of immediate importance,  
5 33 takes effect upon enactment.

5 34 EXPLANATION

5 35 This bill relates to the Iowa military code and military



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6 1 service.

6 2 The bill amends Code section 29A.14 to change the name of  
6 3 the national guard facilities improvement fund to the national  
6 4 guard support and facilities improvement fund. The bill allows  
6 5 for these funds to be used for both national guard operations  
6 6 and facilities improvements. This provision of the bill takes  
6 7 effect upon enactment.

6 8 The bill amends Code section 29A.14A, regarding leasing of  
6 9 governmental facilities for designated military events, to  
6 10 eliminate the requirement that the adjutant general approve  
6 11 the events and to expand the definition of events to include  
6 12 departure-related events.

6 13 The bill eliminates the requirement that the state  
6 14 quartermaster be a current or former commissioned officer. The  
6 15 change allows current or former noncommissioned officers to  
6 16 serve in the position.

6 17 The bill amends Code section 29A.23 to specify who may  
6 18 be placed on the role of retired military personnel from the  
6 19 Iowa national guard. Code section 29A.78, relating to brevet  
6 20 commissions, is amended to link the brevet to membership in the  
6 21 Iowa national guard.

6 22 The bill provides definitions for "performing military duty"  
6 23 as it relates to the waiver of fees for certain birth and death  
6 24 certificates, the designation for the dispositions of remains  
6 25 made on forms provided and authorized by the department of  
6 26 public defense, the disconnection of public utility services,  
6 27 the refund of fishing and hunting license fees, and the renewal  
6 28 of weapon permits.

6 29 The bill also amends the Iowa tort claims Act to provide that  
6 30 members of the Iowa national guard performing military duty  
6 31 in a state that has requested assistance from Iowa under the  
6 32 emergency management assistance compact are to be considered  
6 33 employees of the state of Iowa for the purpose of tort claims  
6 34 arising from those duties where the tort claims coverage of the  
6 35 requesting state does not extend to such Iowa national guard



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7 1 members or is less than that of Iowa.  
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aw/sc





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**Senate File 195 - Introduced**

SENATE FILE  
BY BACON

**A BILL FOR**

1 An Act providing an exemption from the fee for new vehicle  
2 registration for motor vehicles transferred between certain  
3 dealerships upon termination of the vehicle brand, and  
4 including effective date and applicability provisions.  
5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 2109SS (4) 84  
dea/nh



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1 1 Section 1. Section 321.105A, subsection 2, paragraph c,  
1 2 Code 2011, is amended by adding the following new subparagraph:  
1 3 NEW SUBPARAGRAPH. (31) Vehicles subject to registration  
1 4 which are held for sale by a motor vehicle dealership in  
1 5 this state under a franchise agreement with a motor vehicle  
1 6 manufacturer and are transferred to another motor vehicle  
1 7 dealership owned by the same person, persons, or entity, or  
1 8 by a different entity that shares substantially the same  
1 9 ownership interest, when the original dealership closes due to  
1 10 the manufacturer's discontinuance of the motor vehicle brand  
1 11 and disposition of motor vehicles remaining in the dealership's  
1 12 inventory is the responsibility of the franchisee.

1 13 Sec. 2. EFFECTIVE UPON ENACTMENT AND RETROACTIVE  
1 14 APPLICABILITY. This Act, being deemed of immediate importance,  
1 15 takes effect upon enactment and applies retroactively to  
1 16 December 1, 2010, for vehicles transferred on or after that  
1 17 date.

1 18 EXPLANATION

1 19 Under current law, a fee for new registration in the amount  
1 20 of 5 percent of the purchase price of a vehicle is required  
1 21 each time ownership of a vehicle is transferred. This bill  
1 22 provides an exemption from payment of that fee by the owner of  
1 23 a motor vehicle dealership that, upon the close of business,  
1 24 transfers the dealership's remaining vehicles to another  
1 25 dealership owned by the same person, persons, or entity, or by  
1 26 a different entity that shares substantially the same ownership  
1 27 interest. The exemption applies only when the closing of the  
1 28 original dealership is due to the manufacturer's discontinuance  
1 29 of the vehicle brand and the franchisee is responsible  
1 30 for disposition of vehicles remaining in the dealership's  
1 31 inventory.

1 32 The bill is effective upon enactment and applies  
1 33 retroactively to December 1, 2010, for vehicles transferred on  
1 34 or after that date.

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**Senate File 196 - Introduced**

SENATE FILE  
BY JOHNSON

**A BILL FOR**

1 An Act abolishing county compensation boards.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
   TLSB 2220XS (3) 84  
   aw/sc



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1 1 Section 1. Section 331.212, subsection 2, Code 2011, is  
1 2 amended by adding the following new paragraph:  
1 3 NEW PARAGRAPH. i. Setting the compensation schedule of the  
1 4 elected county officers.  
1 5 Sec. 2. Section 331.321, subsection 1, paragraph 1, Code  
1 6 2011, is amended by striking the paragraph.  
1 7 Sec. 3. Section 331.322, subsection 6, Code 2011, is amended  
1 8 to read as follows:  
1 9 6. ~~Review~~ Annually prepare and review the final  
1 10 compensation schedule of the county compensation board and  
~~1 11 determine the final compensation schedule~~ in accordance with  
1 12 section 331.907.  
1 13 Sec. 4. Section 331.322, subsection 7, Code 2011, is amended  
1 14 by striking the subsection.  
1 15 Sec. 5. Section 331.323, subsection 1, paragraph e, Code  
1 16 2011, is amended to read as follows:  
1 17 e. ~~When~~ If the duties of an officer or employee are assigned  
1 18 to one or more elected officers, the board shall set ~~the an~~  
1 19 initial salary for each elected officer. ~~Thereafter, the~~  
~~1 20 salary and, thereafter, shall be determined~~ determine the  
1 21 salary as provided in section 331.907.  
1 22 Sec. 6. Section 331.907, subsections 1 through 4, Code 2011,  
1 23 are amended to read as follows:  
1 24 1. The annual compensation of the auditor, treasurer,  
1 25 recorder, sheriff, county attorney, and supervisors shall  
1 26 be determined as provided in this section. The ~~county~~  
~~1 27 compensation~~ board annually shall review the compensation  
1 28 paid to comparable officers in other counties of this state,  
1 29 other states, private enterprise, and the federal government.  
1 30 In setting the salary of the county sheriff, the ~~county~~  
~~1 31 compensation~~ board shall consider setting the sheriff's salary  
1 32 so that it is comparable to salaries paid to professional  
1 33 law enforcement administrators and command officers of the  
1 34 state patrol, the division of criminal investigation of the  
1 35 department of public safety, and city police agencies in



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2 1 this state. The ~~county compensation~~ board shall prepare a  
2 2 compensation schedule for the elective county officers for the  
2 3 succeeding fiscal year. ~~A recommended compensation schedule~~  
~~2 4 requires a majority vote of the membership of the county~~  
~~2 5 compensation board.~~  
2 6 2. At the public hearing held on the county budget as  
2 7 provided in section 331.434, the ~~county compensation~~ board  
2 8 shall submit its ~~recommended~~ compensation schedule for the  
2 9 next fiscal year ~~to the board of supervisors~~ for inclusion  
2 10 in the county budget. ~~The board of supervisors shall review~~  
~~2 11 the recommended compensation schedule for the elected county~~  
~~2 12 officers and determine the final compensation schedule which~~  
~~2 13 shall not exceed the compensation schedule recommended by~~  
~~2 14 the county compensation board. In determining the final~~  
~~2 15 compensation schedule if the board of supervisors wishes to~~  
~~2 16 reduce the amount of the recommended compensation schedule,~~  
~~2 17 the amount of salary increase proposed for each elected~~  
~~2 18 county officer, except as provided in subsection 3, shall be~~  
~~2 19 reduced an equal percentage.~~ A copy of the final compensation  
2 20 schedule shall be filed with the county budget at the office  
2 21 of the director of the department of management. The final  
2 22 compensation schedule takes effect on July 1 following its  
2 23 adoption by the board ~~of supervisors~~.  
2 24 3. The board ~~of supervisors~~ may adopt a decrease in  
2 25 compensation paid to supervisors irrespective of ~~the county~~  
~~2 26 compensation board's recommended compensation schedule or other~~  
2 27 approved changes in compensation paid to other elected county  
2 28 officers. A decrease in compensation paid to supervisors shall  
2 29 be adopted by the board ~~of supervisors~~ no less than thirty days  
2 30 before the county budget is certified under section 24.17.  
2 31 4. The elected county officers are also entitled to receive  
2 32 their actual and necessary expenses incurred in performance  
2 33 of official duties of their respective offices. The board ~~of~~  
~~2 34 supervisors~~ may authorize the reimbursement of expenses related  
2 35 to an educational course, seminar, or school which is attended



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3 1 by a county officer after the county officer is elected, but  
3 2 prior to the county officer taking office.

3 3 Sec. 7. REPEAL. Section 331.905, Code 2011, is repealed.

3 4 EXPLANATION

3 5 This bill provides for the abolition of county compensation  
3 6 boards and transfers to the board of supervisors the duty of  
3 7 setting the compensation schedule for elective county officers.

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## Senate Study Bill 1098

SENATE FILE  
BY (PROPOSED COMMITTEE ON  
COMMERCE BILL BY  
CHAIRPERSON DANDEKAR)

### A BILL FOR

1 An Act relating to prohibited concealments, suppressions, or  
2 omissions of material facts in connection with new motor  
3 vehicle repairs.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

TLSB 2296SC (3) 84

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1 1 Section 1. Section 714.16, subsection 2, paragraph a, Code  
1 2 2011, is amended to read as follows:  
1 3 a. (1) The act, use, or employment by a person of an unfair  
1 4 practice, deception, fraud, false pretense, false promise,  
1 5 or misrepresentation, or the concealment, suppression, or  
1 6 omission of a material fact with intent that others rely upon  
1 7 the concealment, suppression, or omission, in connection with  
1 8 the lease, sale, or advertisement of any merchandise or the  
1 9 solicitation of contributions for charitable purposes, whether  
1 10 or not a person has in fact been misled, deceived, or damaged,  
1 11 is an unlawful practice.  
1 12 (2) It is deceptive advertising within the meaning of  
1 13 this section for a person to represent in connection with the  
1 14 lease, sale, or advertisement of any merchandise that the  
1 15 advertised merchandise has certain performance characteristics,  
1 16 accessories, uses, or benefits or that certain services are  
1 17 performed on behalf of clients or customers of that person if,  
1 18 at the time of the representation, no reasonable basis for  
1 19 the claim existed. The burden is on the person making the  
1 20 representation to demonstrate that a reasonable basis for the  
1 21 claim existed.  
1 22 (3) A retailer who uses advertising for a product, other  
1 23 than a drug or other product claiming to have a health related  
1 24 benefit or use, prepared by a supplier shall not be liable  
1 25 under this section unless the retailer participated in the  
1 26 preparation of the advertisement; knew or should have known  
1 27 that the advertisement was deceptive, false, or misleading;  
1 28 refused to withdraw the product from sales upon the request of  
1 29 the attorney general pending a determination of whether the  
1 30 advertisement was deceptive, false, or misleading; refused  
1 31 upon the request of the attorney general to provide the name  
1 32 and address of the supplier; or refused to cooperate with the  
1 33 attorney general in an action brought against the supplier  
1 34 under this section.  
1 35 (4) (a) "Material fact" as used in this subsection





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2 1 does not include repairs of damage to or adjustments on  
2 2 or replacements of parts with new parts of otherwise new  
2 3 merchandise, other than repairs to, adjustments on, or  
2 4 replacements of parts of a new motor vehicle as defined in  
2 5 section 321.1, if the repairs, adjustments, or replacements  
2 6 are made to achieve compliance with factory specifications  
2 7 and are made before sale of the merchandise at retail and the  
2 8 actual cost of any labor and parts charged to or performed by a  
2 9 retailer for any such repairs, adjustments, and parts does not  
2 10 exceed three hundred dollars or ten percent of the actual cost  
2 11 to a retailer including freight of the merchandise, whichever  
2 12 is less, providing that the seller posts in a conspicuous place  
2 13 notice that repairs, adjustments, or replacements will be  
2 14 disclosed upon request.

2 15 (b) "Material fact" as used in this subsection does not  
2 16 include repairs of damage to or adjustments on or replacements  
2 17 of parts with new parts on a new motor vehicle, if the repairs,  
2 18 adjustments, or replacements are made to achieve compliance  
2 19 with factory specifications and the actual cost of any labor  
2 20 and parts charged to or performed by a retailer for any such  
2 21 repairs, adjustments, and parts does not exceed five percent  
2 22 of the actual cost to a motor vehicle dealer including freight  
2 23 of the new motor vehicle, provided that the seller posts in  
2 24 a conspicuous place notice that repairs, adjustments, or  
2 25 replacements will be disclosed upon request.

2 26 (c) The ~~exemption~~ exemptions provided in this paragraph "a"  
2 27 ~~does~~ do not apply to the concealment, suppression, or omission  
2 28 of a material fact if the purchaser requests disclosure of any  
2 29 repair, adjustment, or replacement.

2 30 Sec. 2. Section 714H.4, subsection 2, Code 2011, is amended  
2 31 to read as follows:

2 32 2. a. "Material fact" as used in this chapter does not  
2 33 include repairs of damage to, adjustments on, or replacements  
2 34 of parts with new parts of otherwise new merchandise, other  
2 35 than repairs to, adjustments on, or replacement of parts



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3 1 of a new motor vehicle as defined in section 321.1, if the  
3 2 repairs, adjustments, or replacements are made to achieve  
3 3 compliance with factory specifications and are made before  
3 4 sale of the merchandise at retail and the actual cost of any  
3 5 labor and parts charged to or performed by a retailer for any  
3 6 such repairs, adjustments, and parts does not exceed three  
3 7 hundred dollars or ten percent of the actual cost to a retailer  
3 8 including freight of the merchandise, whichever is less,  
3 9 provided that the seller posts in a conspicuous place notice  
3 10 that repairs, adjustments, or replacements will be disclosed  
3 11 upon request. The exclusion provided in this subsection does  
3 12 not apply to the concealment, suppression, or omission of a  
3 13 material fact if the purchaser requests disclosure of any  
3 14 repair, adjustment, or replacement.

3 15 b. "Material fact" as used in this chapter does not include  
3 16 repairs of damage to or adjustments on or replacements of  
3 17 parts with new parts on a new motor vehicle, if the repairs,  
3 18 adjustments, or replacements are made to achieve compliance  
3 19 with factory specifications and the actual cost of any labor  
3 20 and parts charged to or performed by a retailer for any such  
3 21 repairs, adjustments, and parts does not exceed five percent  
3 22 of the actual cost to a motor vehicle dealer including freight  
3 23 of the new motor vehicle, provided that the seller posts in  
3 24 a conspicuous place notice that repairs, adjustments, or  
3 25 replacements will be disclosed upon request.

3 26 EXPLANATION

3 27 This bill relates to prohibited concealments, suppressions,  
3 28 or omissions of material facts in connection with new motor  
3 29 vehicle repairs.

3 30 Currently, consumer fraud protection provisions in Code  
3 31 section 714.16, and Code chapter 714H provide that it is not a  
3 32 prohibited concealment, suppression, or omission of a material  
3 33 fact for a retailer to fail to disclose that new merchandise  
3 34 was repaired to factory specifications if the cost to repair  
3 35 the merchandise does not exceed the lesser of \$300 or 10



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4 1 percent of the cost of the merchandise, and the retailer posts  
4 2 a sign stating that all repairs will be disclosed upon request.  
4 3 The bill changes the threshold amount under which a prohibited  
4 4 concealment, suppression, or omission of a material fact has  
4 5 not occurred, with respect to new motor vehicles, to 5 percent  
4 6 of the cost of the new motor vehicle.

LSB 2296SC (3) 84

rn/nh



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**Senate Study Bill 1099**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT  
OF COMMERCE/INSURANCE  
DIVISION BILL)

**A BILL FOR**

1 An Act establishing regulations to permit access to surplus  
2 lines insurance in this state, and providing civil and  
3 criminal penalties, coordinating provisions, and repeals,  
4 and including effective date provisions.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1311DP (15) 84  
av/nh



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1 1 DIVISION I  
1 2 SURPLUS LINES INSURANCE  
1 3 Section 1. NEW SECTION. 515I.1 Purpose.  
1 4 1. The purposes of this division are to do all of the  
1 5 following:  
1 6 a. Establish a system of regulation which will permit  
1 7 orderly access to surplus lines insurance in this state.  
1 8 b. Encourage admitted insurers to make new and innovative  
1 9 types of insurance available to consumers in this state.  
1 10 c. Protect persons seeking insurance in this state.  
1 11 d. Permit surplus lines insurance to be placed with  
1 12 reputable and financially sound nonadmitted insurers.  
1 13 e. Provide a system through which persons may independently  
1 14 procure surplus lines insurance.  
1 15 f. Protect revenues of this state.  
1 16 g. Foster a national system of regulation of surplus  
1 17 lines insurance by collaborating with other state insurance  
1 18 commissioners.  
1 19 h. Provide a system which subjects surplus lines insurance  
1 20 activities in this state to the jurisdiction of the insurance  
1 21 commissioner and state and federal courts in suits by or on  
1 22 behalf of the state.  
1 23 2. This division shall be liberally construed to promote  
1 24 these purposes.  
1 25 Sec. 2. NEW SECTION. 515I.2 Definitions.  
1 26 As used in this chapter, unless the context otherwise  
1 27 requires:  
1 28 1. "Admitted insurer" means an insurer licensed to do  
1 29 insurance business in this state.  
1 30 2. "Affiliate" means, with respect to an insurer, any entity  
1 31 that controls, is controlled by, or is under common control  
1 32 with the insurer.  
1 33 3. "Affiliated group" means any group of entities that are  
1 34 affiliates.  
1 35 4. "Commercial insurance" means insurance for businesses or



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2 1 professionals.

2 2 5. "Commissioner" means the commissioner of insurance, or  
2 3 the commissioner's designees.

2 4 6. "Control" means either of the following:

2 5 a. That an entity directly or indirectly, or acting through  
2 6 one or more other persons, owns, controls, or has the power  
2 7 to vote twenty-five percent or more of any class of voting  
2 8 securities of another entity.

2 9 b. That an entity controls in any manner the election of a  
2 10 majority of the directors or trustees of another entity.

2 11 7. "Eligible surplus lines insurer" means a nonadmitted  
2 12 insurer that has filed an application with the commissioner  
2 13 and been approved for placement of surplus lines insurance and  
2 14 appears on the Iowa listing of nonadmitted companies.

2 15 8. "Exempt commercial purchaser" means any person purchasing  
2 16 commercial insurance that, at the time of placement, meets all  
2 17 of the following requirements:

2 18 a. The person employs or retains a qualified risk manager to  
2 19 negotiate insurance coverage.

2 20 b. The person has paid aggregate nationwide commercial  
2 21 property and casualty insurance premiums in excess of one  
2 22 hundred thousand dollars in the immediately preceding twelve  
2 23 months.

2 24 c. The person meets at least one of the following criteria:

2 25 (1) The person possesses a net worth in excess of twenty  
2 26 million dollars except that beginning on January 1, 2015, and  
2 27 on January 1 every five years thereafter, this amount shall be  
2 28 adjusted to reflect the percentage change in the consumer price  
2 29 index for all urban consumers for the most recent available  
2 30 five-year period published by the United States department of  
2 31 labor, bureau of labor statistics.

2 32 (2) The person generates annual revenues in excess of fifty  
2 33 million dollars except that beginning on January 1, 2015, and  
2 34 on January 1 every five years thereafter, this amount shall be  
2 35 adjusted to reflect the percentage change in the consumer price



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3 1 index for all urban consumers for the most recent available  
3 2 five=year period published by the United States department of  
3 3 labor, bureau of labor statistics.  
3 4 (3) The person employs more than five hundred full=time or  
3 5 full=time equivalent employees per individual insured or is a  
3 6 member of an affiliated group employing more than one thousand  
3 7 employees in the aggregate.  
3 8 (4) The person is a nonprofit organization or public entity  
3 9 generating annual budgeted expenditures of at least thirty  
3 10 million dollars except that beginning on January 1, 2015, and  
3 11 on January 1 every five years thereafter, this amount shall be  
3 12 adjusted to reflect the percentage change in the consumer price  
3 13 index for all urban consumers for the most recent available  
3 14 five=year period published by the United States department of  
3 15 labor, bureau of labor statistics.  
3 16 (5) The person is a municipality with a population in excess  
3 17 of fifty thousand persons.  
3 18 9. "Home state" means:  
3 19 a. Except as provided in paragraph "b", with respect to an  
3 20 insured either of the following:  
3 21 (1) The state in which an insured maintains its principal  
3 22 place of business or, in the case of an individual, the  
3 23 individual's principal residence.  
3 24 (2) If one hundred percent of the insured risk is located  
3 25 out of the state described in subparagraph (1), the state to  
3 26 which the greatest percentage of the insured's taxable premium  
3 27 for that insurance policy or contract is allocated.  
3 28 b. If more than one insured from an affiliated group is a  
3 29 named insured on a single surplus lines insurance policy or  
3 30 contract, the home state, as determined pursuant to paragraph  
3 31 "a", subparagraph (1), of the member of the affiliated group  
3 32 that has the largest percentage of premium attributed to it  
3 33 under such insurance policy or contract.  
3 34 10. "Independently procured insurance" means insurance  
3 35 obtained by a person directly from a nonadmitted insurer.



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- 4 1 11. "Insurer" means the same as defined in section 507.1,  
4 2 subsection 2.
- 4 3 12. "Nonadmitted insurer" means an insurer not licensed to  
4 4 do insurance business in this state.
- 4 5 13. "Person" means the same as defined in section 507.1,  
4 6 subsection 2.
- 4 7 14. "Placement" or "placed" means that an eligible surplus  
4 8 lines insurer has accepted a premium and issued an insurance  
4 9 policy or contract for a particular risk.
- 4 10 15. "Premium tax" means the tax imposed by the state on  
4 11 a contract of insurance equal to the applicable percent, as  
4 12 provided in section 432.1.
- 4 13 16. "Qualified risk manager" means a person who meets all  
4 14 of the following requirements:
- 4 15 a. The person is an employee of, or third party consultant  
4 16 retained by a commercial insurance policyholder.
- 4 17 b. The person provides skilled services in loss prevention,  
4 18 loss reduction, or risk and insurance coverage analysis, and  
4 19 purchase of insurance.
- 4 20 c. The person meets one of the following requirements:
- 4 21 (1) The person has a bachelor's degree from an accredited  
4 22 college or university in risk management, business  
4 23 administration, finance, economics, or any other field  
4 24 determined by the commissioner to demonstrate minimum  
4 25 competence in risk management; and meets both of the following  
4 26 requirements:
- 4 27 (a) Has three years of experience in risk financing, claims  
4 28 administration, loss prevention, risk and insurance coverage  
4 29 analysis, or purchasing commercial lines of insurance.
- 4 30 (b) Has one of the following designations:
- 4 31 (i) Chartered property and casualty underwriter.
- 4 32 (ii) Associate in risk management.
- 4 33 (iii) Certified risk manager.
- 4 34 (iv) Risk and insurance management society fellow.
- 4 35 (v) Any other designation, certification, or license





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5 1 determined by the commissioner to demonstrate minimum  
5 2 competency in risk management.

5 3 (2) The person has at least seven years of experience in  
5 4 risk financing, claims administration, loss prevention, risk  
5 5 and insurance coverage analysis, or purchasing commercial lines  
5 6 of insurance; and has any one of the designations specified in  
5 7 subparagraph (1), subparagraph division (b).

5 8 (3) The person has at least ten years of experience in risk  
5 9 financing, claims administration, loss prevention, risk and  
5 10 insurance coverage analysis, or purchasing commercial lines of  
5 11 insurance.

5 12 (4) The person has a graduate degree from an accredited  
5 13 college or university in risk management, business  
5 14 administration, finance, economics, or any other field  
5 15 determined by the commissioner to demonstrate minimum  
5 16 competence in risk management.

5 17 17. "Surplus lines insurance" means any property and  
5 18 casualty insurance in this state on properties, risks, or  
5 19 exposures, located or to be performed in this state, that is  
5 20 placed through a surplus lines insurance producer with an  
5 21 eligible surplus lines insurer. For purposes of this chapter  
5 22 only, "surplus lines insurance" also includes disability  
5 23 insurance that is in excess of policy limits available from an  
5 24 admitted insurer.

5 25 18. "Surplus lines insurance producer" means a person  
5 26 licensed pursuant to chapter 522B to sell, solicit, or  
5 27 negotiate surplus lines insurance.

5 28 Sec. 3. NEW SECTION. 515I.3 Placement of surplus lines  
5 29 insurance business with nonadmitted insurers.

5 30 1. Surplus lines insurance may be placed by a surplus lines  
5 31 insurance producer with a nonadmitted insurer only if all of  
5 32 the following requirements are met:

5 33 a. The proposed nonadmitted insurer is an eligible surplus  
5 34 lines insurer.

5 35 b. The proposed nonadmitted insurer is authorized to write



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6 1 the type of insurance sought in this state in its domiciliary  
6 2 jurisdiction.

6 3 c. Unless otherwise exempt from this requirement, after a  
6 4 diligent search the full amount or type of insurance cannot be  
6 5 obtained from an admitted insurer.

6 6 d. All other requirements of this chapter are met.

6 7 2. a. In addition to the full amount of gross premiums  
6 8 charged by the nonadmitted insurer for the insurance on which  
6 9 a premium tax is imposed, a surplus lines insurance producer  
6 10 shall collect and pay to the state of Iowa in a manner and  
6 11 pursuant to a schedule as directed by the commissioner as  
6 12 provided in section 515I.5, subsection 6, the appropriate  
6 13 amount of premium tax as provided in section 432.1 for surplus  
6 14 lines insurance. The commissioner shall adopt rules to specify  
6 15 the use of credits or deductions that may be applied to the  
6 16 premium tax.

6 17 b. If the surplus lines insurance covers properties, risks,  
6 18 or exposures located or to be performed both in and outside of  
6 19 this state, the surplus lines insurance producer shall allocate  
6 20 the premium tax among the various states according to the  
6 21 methods set forth in division II of this chapter.

6 22 c. The tax on any portion of the premium unearned at the  
6 23 termination of the surplus lines insurance that has been  
6 24 credited by the state shall be returned to the policyholder  
6 25 directly by the surplus lines insurance producer. The surplus  
6 26 lines insurance producer is prohibited from rebating, for any  
6 27 reason, any part of the tax.

6 28 3. This section shall not apply to a person properly  
6 29 licensed as an insurance producer, who, for a fee and pursuant  
6 30 to a written agreement, is engaged solely to offer advice,  
6 31 counsel, opinion, or service to an insured with respect to  
6 32 the benefits, advantages, or disadvantages promised under  
6 33 any proposed or in=force policy of insurance if the person  
6 34 does not, directly or indirectly, participate in the sale,  
6 35 solicitation, or negotiation of insurance on behalf of the



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7 1 insured.

7 2 4. Insurance placed under this section shall be valid and  
7 3 enforceable as to all parties.

7 4 Sec. 4. NEW SECTION. 515I.4 Requirements for eligible  
7 5 surplus lines insurers.

7 6 1. When this state is the home state of the insured, a  
7 7 nonadmitted insurer shall not place any surplus lines insurance  
7 8 business in this state unless the insurer has been approved  
7 9 for such activity by the commissioner. A nonadmitted insurer  
7 10 seeking to qualify as an eligible surplus lines insurer shall  
7 11 submit a request to so qualify in a form and format as directed  
7 12 by the commissioner which demonstrates all of the following:

7 13 a. Capital and surplus or its equivalent under the laws of  
7 14 the insurer's domiciliary jurisdiction which equals the greater  
7 15 of either of the following:

7 16 (1) The minimum capital and surplus requirements under the  
7 17 laws of this state.

7 18 (2) Fifteen million dollars.

7 19 b. If the nonadmitted insurer is not domiciled in a state or  
7 20 territory of the United States, verification of the insurer's  
7 21 listing on the national association of insurance commissioners  
7 22 quarterly listing of alien insurers as maintained by the  
7 23 national association of insurance commissioners international  
7 24 insurers department.

7 25 c. Evidence that the nonadmitted insurer is in good standing  
7 26 with its domiciliary regulator.

7 27 2. The commissioner may waive the requirements of this  
7 28 section or set specific requirements on a case-by-case  
7 29 basis upon an affirmative finding of acceptability by  
7 30 the commissioner that the placement of insurance with the  
7 31 nonadmitted insurer is necessary and will not be detrimental  
7 32 to the public and to policyholders. In determining whether  
7 33 business may be placed with a nonadmitted insurer, the  
7 34 commissioner shall consider all of the following:

7 35 a. The interests of the public and policyholders.



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8 1       b. The length of time the insurer has been licensed to  
8 2 do insurance business in its domiciliary jurisdiction and  
8 3 elsewhere.

8 4       c. The unavailability of particular coverages from other  
8 5 admitted insurers or eligible surplus lines insurers in this  
8 6 state.

8 7       d. The size of the nonadmitted insurer as measured by  
8 8 the insurer's assets, capital and surplus, reserves, premium  
8 9 writings, insurance in force, or other appropriate criteria.

8 10      e. The kinds of business the nonadmitted insurer writes, the  
8 11 insurer's net exposure, and the extent to which the insurer's  
8 12 business is diversified among several lines of insurance and  
8 13 geographic locations.

8 14      f. The past and projected trend in the size of the  
8 15 nonadmitted insurer's capital and surplus considering such  
8 16 factors as premium growth, operating history, loss and expense  
8 17 ratios, or other appropriate criteria.

8 18      3. Eligible surplus lines insurers shall not be required to  
8 19 file or seek approval of their forms and rates.

8 20      Sec. 5. NEW SECTION. 515I.5 Duties of surplus lines  
8 21 insurance producers.

8 22      1. A surplus lines insurance producer shall not issue  
8 23 or deliver any evidence of insurance or purport to insure  
8 24 or represent that insurance will be or has been written by  
8 25 an eligible surplus lines insurer, unless the producer has  
8 26 authority from the insurer to bind the risk to be insured, or  
8 27 has received information from the insurer in the regular course  
8 28 of business that the coverage has been granted.

8 29      2. Upon placement of surplus lines insurance, the surplus  
8 30 lines insurance producer shall promptly deliver to the insured  
8 31 the policy or contract, or if the policy or contract is not  
8 32 then available, a certificate cover note, binder, or other  
8 33 evidence of insurance. The certificate cover note, binder,  
8 34 or other evidence of insurance shall contain information as  
8 35 specified by the commissioner by rule.



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9 1 3. As soon as is reasonably possible after the placement  
9 2 of the insurance, the surplus lines insurance producer shall  
9 3 deliver a copy of the policy or contract or, if not available,  
9 4 a certificate of insurance to the insured to replace any  
9 5 evidence of insurance previously issued. Each policy or  
9 6 contract or certificate of insurance shall contain or have  
9 7 attached a complete record of all policy or contract insuring  
9 8 agreements, conditions, exclusions, clauses, endorsements, or  
9 9 any other material facts that would regularly be included in  
9 10 the policy or contract.

9 11 4. If, after delivery of any evidence of insurance, there  
9 12 is any change in the identity of the eligible surplus lines  
9 13 insurer, or the proportion of the risk assumed by such insurer,  
9 14 or any other material change in coverage as stated in the  
9 15 original evidence of insurance, or in any other material change  
9 16 as to the insurance coverage so evidenced, the surplus lines  
9 17 insurance producer shall promptly issue and deliver to the  
9 18 insured an appropriate substitute for, or endorsement of the  
9 19 original document, accurately showing the current status of  
9 20 the coverage and the surplus lines insurer responsible for the  
9 21 coverage.

9 22 5. Each surplus lines insurance producer shall keep a  
9 23 full and true record of each surplus lines insurance policy  
9 24 or contract placed by an eligible surplus lines insurer and  
9 25 issued or delivered by that person which covers risks wholly  
9 26 or partly located or to be performed in this state. These  
9 27 records and any other records deemed reasonably necessary by  
9 28 the commissioner shall be made available to the commissioner  
9 29 for examination upon request. Records shall be maintained for  
9 30 a period of not less than five years following termination of  
9 31 the surplus lines insurance policy or contract.

9 32 6. A surplus lines insurance producer shall file a report  
9 33 and remit all premium taxes due to this state for all surplus  
9 34 lines insurance placed by an eligible surplus lines insurer and  
9 35 issued or delivered by that person during the reporting period



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10 1 established by the commissioner. The specific requirements  
10 2 for the timing of and content of the report and the manner of  
10 3 filing shall be specified by the commissioner by rule. If  
10 4 the commissioner elects to participate in a clearinghouse as  
10 5 described in division II of this chapter, each surplus lines  
10 6 insurance producer shall file reports and remit premium taxes  
10 7 according to the guidelines of the clearinghouse.  
10 8     Sec. 6. NEW SECTION. 515I.6 Actions against eligible  
10 9 surplus lines insurers.  
10 10     An eligible surplus lines insurer may be sued upon a cause of  
10 11 action arising in this state under a surplus lines insurance  
10 12 policy or contract placed by the insurer or upon evidence of  
10 13 insurance placed by the insurer and issued or delivered in  
10 14 this state by a surplus lines insurance producer. A policy  
10 15 or contract issued by an eligible surplus lines insurer shall  
10 16 contain a provision stating the substance of this section and  
10 17 designating the person upon whom service of process can be made  
10 18 on behalf of the insurer.  
10 19     Sec. 7. NEW SECTION. 515I.7 Effect of payment to surplus  
10 20 lines insurance producer.  
10 21     A payment of premium to a surplus lines insurance producer  
10 22 acting for a person other than the producer in procuring,  
10 23 continuing, or renewing any policy or contract of surplus lines  
10 24 insurance procured under this chapter shall be deemed to be  
10 25 payment to the eligible surplus lines insurer, notwithstanding  
10 26 any other conditions or stipulations that are inserted in the  
10 27 policy or contract of insurance.  
10 28     Sec. 8. NEW SECTION. 515I.8 Referrals to surplus lines  
10 29 insurance producers.  
10 30     A surplus lines insurance producer may accept referrals  
10 31 to place surplus lines insurance from any other licensed  
10 32 insurance producer and the surplus lines insurance producer may  
10 33 compensate the referring insurance producer for the referral.  
10 34     Sec. 9. NEW SECTION. 515I.9 Exempt commercial purchasers.  
10 35     A surplus lines insurance producer seeking to procure or



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11 1 place surplus lines insurance in this state for an exempt  
11 2 commercial purchaser is not required to make a diligent search  
11 3 to determine whether the full amount or type of insurance  
11 4 sought by such exempt commercial purchaser can be obtained from  
11 5 an admitted insurer if both of the following requirements are  
11 6 met:

11 7 1. The surplus lines insurance producer has disclosed  
11 8 to the exempt commercial purchaser that such insurance may  
11 9 be available from an admitted insurer that may provide the  
11 10 purchaser with greater protection and with more regulatory  
11 11 oversight.

11 12 2. The exempt commercial purchaser has subsequently  
11 13 requested in writing that the surplus lines insurance producer  
11 14 place such insurance with an eligible surplus lines insurer.

11 15 Sec. 10. NEW SECTION. 515I.10 Independently procured  
11 16 surplus lines insurance ==== premium tax ==== penalty.

11 17 1. A person who directly procures, continues, or renews a  
11 18 surplus lines insurance policy or contract independently and  
11 19 without using a surplus lines insurance producer on properties,  
11 20 risks, or exposures located or to be performed in whole or in  
11 21 part in this state shall file a written report regarding the  
11 22 transaction with the commissioner, in a manner and method as  
11 23 directed by the commissioner by rule.

11 24 2. Each person who has independently procured a surplus  
11 25 lines insurance policy or contract shall pay a premium tax at  
11 26 a rate appropriate to the amount of premium tax equal to the  
11 27 applicable percent, as provided in section 432.1. The tax  
11 28 shall be remitted via a method and schedule and in a manner as  
11 29 directed by the commissioner by rule.

11 30 3. If an independently procured surplus lines insurance  
11 31 policy or contract covers properties, risks, or exposures  
11 32 only partially located or to be performed in this state, the  
11 33 tax payable shall be computed on the portion of the premium  
11 34 properly attributable to the properties, risks, or exposures  
11 35 located or to be performed in this state. If the commissioner



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12 1 has elected to participate in a clearinghouse as described in  
12 2 division II of this chapter, reports and premium tax payments  
12 3 shall be remitted according to clearinghouse procedures.

12 4 4. If the information provided to the commissioner is  
12 5 insufficient to substantiate the method of computation, or if  
12 6 the commissioner determines that the method of computation is  
12 7 incorrect, the commissioner shall determine the equitable and  
12 8 appropriate amount of tax due to this state. In making such a  
12 9 determination, the commissioner shall consider any available  
12 10 relevant information.

12 11 5. The commissioner may assess a penalty of one percent of  
12 12 the delinquent amount of taxes owed per month as specified in  
12 13 section 507A.9.

12 14 Sec. 11. NEW SECTION. 515I.11 Violations and penalties.

12 15 1. The commissioner may declare a surplus lines insurer  
12 16 ineligible to place surplus lines insurance in the state if at  
12 17 any time the commissioner has reason to believe that a surplus  
12 18 lines insurer meets any of the following conditions:

12 19 a. Is in unsound financial condition or has acted in an  
12 20 untrustworthy manner.

12 21 b. No longer meets the standards set forth in this chapter.

12 22 c. Has willfully violated the laws of this state.

12 23 d. Does not conduct its claims settlement practices in a  
12 24 fair and reasonable manner.

12 25 e. Has committed an unfair or deceptive insurance trade  
12 26 practice under chapter 507B.

12 27 2. The commissioner may suspend, revoke, or refuse to renew  
12 28 the license of a surplus lines insurance producer or impose any  
12 29 sanction or penalty allowed under chapter 507B after notice and  
12 30 hearing for one or more of the following grounds:

12 31 a. Removal of the resident surplus lines insurance  
12 32 producer's principal place of business from this state without  
12 33 notice to the commissioner.

12 34 b. Removal of the resident surplus lines insurance  
12 35 producer's office accounts and records from this state during





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13 1 the period for which the accounts and records are required to  
13 2 be maintained.  
13 3 c. Closure of the surplus lines insurance producer's  
13 4 office for a period of more than thirty business days, unless  
13 5 permission is granted by the commissioner.  
13 6 d. Failure to file required reports with the commissioner  
13 7 or the commissioner's designee.  
13 8 e. Failure to remit surplus lines insurance premium taxes to  
13 9 this state as directed by the commissioner.  
13 10 f. Violating any provision of this chapter.  
13 11 g. For any cause for which an insurance producer license  
13 12 could be denied, revoked, or suspended, or renewal refused or a  
13 13 civil penalty imposed under chapter 522B.  
13 14 3. The commissioner may initiate an administrative  
13 15 proceeding against a surplus lines insurance producer for the  
13 16 collection of unpaid premium taxes. The commissioner may  
13 17 assess a penalty of one percent of the delinquent amount of  
13 18 taxes owed per month as specified in section 507A.9 and any  
13 19 other penalties allowed by law.  
13 20 4. A person that represents or aids a nonadmitted insurer  
13 21 in violation of this chapter shall be subject to criminal  
13 22 penalties as set forth in section 507A.10.  
13 23 Sec. 12. NEW SECTION. 515I.12 Cease and desist orders ====  
13 24 civil and criminal penalties.  
13 25 1. Upon a determination by the commissioner, after a  
13 26 hearing conducted pursuant to chapter 17A, that a surplus lines  
13 27 insurance producer, an eligible surplus lines insurer, or a  
13 28 nonadmitted insurer has violated a provision of this chapter,  
13 29 the commissioner shall reduce the findings of the hearing to  
13 30 writing and deliver a copy of the findings to the producer  
13 31 or insurer. The commissioner may issue an order requiring  
13 32 the producer or insurer to cease and desist from engaging in  
13 33 the conduct resulting in the violation and may assess a civil  
13 34 penalty of not more than fifty thousand dollars against the  
13 35 producer or insurer.



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14 1       2. a. Upon a determination by the commissioner that a  
14 2 surplus lines insurance producer, an eligible surplus lines  
14 3 insurer, or a nonadmitted insurer has engaged, is engaging,  
14 4 or is about to engage in any act or practice constituting a  
14 5 violation of this chapter or a rule adopted or order issued  
14 6 under this chapter, the commissioner may issue a summary order,  
14 7 including a brief statement of findings of fact, conclusions  
14 8 of law, and policy reasons for the decision, and directing the  
14 9 producer or insurer to cease and desist from engaging in the  
14 10 act or practice or to take other affirmative action as is in  
14 11 the judgment of the commissioner necessary to comply with the  
14 12 requirements of this chapter.

14 13       b. A surplus lines insurance producer, an eligible surplus  
14 14 lines insurer, or a nonadmitted insurer to whom a summary order  
14 15 has been issued under this subsection may contest the order by  
14 16 filing a request for a contested case proceeding and hearing as  
14 17 provided in chapter 17A and in accordance with rules adopted by  
14 18 the commissioner. However, the producer or insurer shall have  
14 19 at least thirty days from the date that the order is issued in  
14 20 order to file the request. Section 17A.18A is inapplicable to  
14 21 a summary order issued under this subsection. If a hearing  
14 22 is not timely requested, the summary order becomes final by  
14 23 operation of law. The order shall remain effective from the  
14 24 date of issuance until the date the order becomes final by  
14 25 operation of law or is overturned by a presiding officer or  
14 26 court following a request for hearing.

14 27       c. A surplus lines insurance producer, an eligible surplus  
14 28 lines insurer, or a nonadmitted insurer violating a summary  
14 29 order issued under this subsection shall be deemed in contempt  
14 30 of that order. The commissioner may petition the district  
14 31 court to enforce the order as certified by the commissioner.  
14 32 The district court shall find the producer or insurer in  
14 33 contempt of the order if the court finds after hearing that  
14 34 the producer or insurer is not in compliance with the order.  
14 35 The court may assess a civil penalty against the producer or



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15 1 insurer and may issue further orders as it deems appropriate.

15 2 3. A person acting as a surplus lines insurance producer,  
15 3 an eligible surplus lines insurer, or nonadmitted insurer who  
15 4 willfully violates any provision of this chapter, or any rule  
15 5 adopted or order issued under this chapter, is guilty of a  
15 6 class "D" felony.

15 7 4. A person acting as a surplus lines insurance producer,  
15 8 an eligible surplus lines insurer, or nonadmitted insurer who  
15 9 willfully violates any provision of this chapter, or any rule  
15 10 adopted or order issued under this chapter, when such violation  
15 11 results in a loss of more than ten thousand dollars, is guilty  
15 12 of a class "C" felony.

15 13 5. The commissioner may refer such evidence as is available  
15 14 concerning violations of this chapter or of any rule adopted  
15 15 or order issued under this chapter, or of the failure of a  
15 16 person to comply with the licensing requirements of chapter  
15 17 522B, to the attorney general or the proper county attorney who  
15 18 may, with or without such reference, institute the appropriate  
15 19 criminal proceedings under this chapter.

15 20 6. This chapter does not limit the power of the state to  
15 21 punish any person for any conduct that constitutes a crime  
15 22 under any other statute.

15 23 Sec. 13. NEW SECTION. 515I.13 Insurance policy or contract  
15 24 remains valid.

15 25 A policy or contract of insurance issued or delivered by an  
15 26 eligible surplus lines insurer or a nonadmitted insurer which  
15 27 is otherwise valid and contains a condition or provision not  
15 28 in compliance with the requirements of this chapter is not  
15 29 thereby rendered invalid but shall be construed and applied in  
15 30 accordance with the conditions and provisions which would have  
15 31 applied had the policy or contract been issued or delivered in  
15 32 full compliance with this chapter.

15 33 Sec. 14. NEW SECTION. 515I.14 Severability.

15 34 If any provision of this chapter, or the application of the  
15 35 provision of this chapter to any person or circumstance, is



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16 1 held invalid, the remainder of the chapter and the application  
16 2 of the provision to persons or circumstances other than those  
16 3 as to which it is held invalid, shall not be affected by that  
16 4 holding.

16 5     Sec. 15. NEW SECTION. 515I.31 Purpose.

16 6     1. The purpose of this division is to establish a mechanism  
16 7 by which a surplus lines insurance producer or insured shall  
16 8 allocate premiums and pay premium taxes where placement of  
16 9 surplus lines insurance covers properties, risks, or exposures  
16 10 located or to be performed in multiple states.

16 11     2. This division shall be liberally construed and applied  
16 12 to promote its underlying purposes which include all of the  
16 13 following:

16 14     a. To require a surplus lines insurance producer or an  
16 15 insured, under certain circumstances, to collect the entire  
16 16 amount of premium tax due on a multistate risk as assessed  
16 17 by all impacted states where a placement of surplus lines  
16 18 insurance covers properties, risks, or exposures located or to  
16 19 be performed in more than one state.

16 20     b. To facilitate payment of surplus lines insurance premium  
16 21 taxes on surplus lines insurance placed through surplus lines  
16 22 insurance producers on risks located or to be performed solely  
16 23 in this state.

16 24     c. To facilitate payment of premium taxes by an insured  
16 25 that has independently procured surplus lines insurance in this  
16 26 state for a single state or multistate risk.

16 27     d. To allow for the imposition of a filing fee by a  
16 28 clearinghouse.

16 29     Sec. 16. NEW SECTION. 515I.32 Participation in a  
16 30 clearinghouse.

16 31     1. The commissioner is authorized to participate in a  
16 32 national clearinghouse to facilitate the filing of reports and  
16 33 collection of surplus lines insurance premium taxes for insured  
16 34 risks located solely in this state or in multiple states.  
16 35 Any such clearinghouse shall be maintained by the national



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17 1 association of insurance commissioners or its affiliates or  
17 2 subsidiaries, or an entity endorsed by the association.  
17 3 2. Pursuant to the federal Dodd=Frank Wall Street Reform  
17 4 and Consumer Protection Act, Pub. L. No. 111=203, also known as  
17 5 the Nonadmitted and Reinsurance Reform Act, the commissioner is  
17 6 authorized to collect or require the collection of the entire  
17 7 amount of premium taxes due to all states for a multistate risk  
17 8 which is partially located or to be performed in this state and  
17 9 the remittance of surplus lines insurance premium tax payments  
17 10 to a clearinghouse as described in subsection 1 for delivery to  
17 11 another state, that are attributable to properties, risks, or  
17 12 exposures located or to be performed in that state.  
17 13 3. The commissioner is authorized to impose reasonable  
17 14 filing fees for reports and tax payments made through  
17 15 the clearinghouse to defray the costs of operation of the  
17 16 clearinghouse.  
17 17 Sec. 17. NEW SECTION. 515I.33 Collection and allocation of  
17 18 surplus lines insurance premium taxes on multistate risks.  
17 19 1. In determining the amount of surplus lines insurance  
17 20 premiums taxable in this state, all premiums written, procured,  
17 21 or received in this state for such insurance shall be presumed  
17 22 to be written on properties, risks, or exposures located or  
17 23 to be performed in this state unless a report is filed by the  
17 24 surplus lines insurance producer or insured which indicates  
17 25 that the risk includes properties, risks, or exposures located  
17 26 or to be performed in more than one state.  
17 27 2. If a surplus lines insurance policy or contract covers  
17 28 properties, risks, or exposures located or to be performed  
17 29 in more than one state, the premium tax to be paid to the  
17 30 commissioner of each state shall be computed on that portion  
17 31 of the policy or contract premium that is attributable to  
17 32 properties, risks, or exposures located or to be performed in  
17 33 each state. The surplus lines insurance producer or insured  
17 34 shall determine the amount of premium taxes due by allocating  
17 35 the total premium among the states according to a method



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18 1 specified by the commissioner by rule. If the information  
18 2 provided by the surplus lines insurance producer or insured is  
18 3 insufficient to substantiate the method of allocation used, or  
18 4 if the commissioner determines that the method of allocation  
18 5 used is incorrect, the commissioner shall determine the  
18 6 equitable and appropriate amount of tax due to this state. In  
18 7 making such a determination, the commissioner shall consider  
18 8 any available relevant information.

18 9 Sec. 18. NEW SECTION. 515I.34 Rulemaking authority.  
18 10 The commissioner shall adopt rules pursuant to chapter 17A  
18 11 to implement the purposes of this chapter.

DIVISION II

18 13 COORDINATING PROVISIONS

18 14 Sec. 19. Section 507A.4, subsection 1, Code 2011, is amended  
18 15 to read as follows:

18 16 1. The lawful transaction of surplus lines insurance as  
18 17 permitted by ~~sections 515.120 through 515.122~~ chapter 515I.

18 18 Sec. 20. Section 515E.9, Code 2011, is amended to read as  
18 19 follows:

18 20 515E.9 Purchasing group restrictions.

18 21 A purchasing group shall not purchase insurance from an  
18 22 insurer not admitted in this state unless the purchase is  
18 23 effected through a duly licensed ~~agent or broker~~ insurance  
18 24 producer acting pursuant to ~~sections 515.120 through~~  
~~18 25 515.122~~ chapter 515I.

18 26 Sec. 21. Section 522B.6, subsection 2, paragraph g, Code  
18 27 2011, is amended to read as follows:

18 28 g. Excess and surplus lines insurance provided by certain  
18 29 nonadmitted insurers pursuant to ~~section 515.120~~ chapter 515I.

18 30 Sec. 22. REPEAL. Sections 515.120 through 515.122, Code  
18 31 2011, are repealed.

18 32 Sec. 23. CODE EDITOR'S DIRECTIVE. The Code editor is  
18 33 directed to designate sections 515I.1 through 515I.30 as  
18 34 division I of chapter 515I captioned as "Surplus lines  
18 35 insurance" and to designate sections 515I.31 through 515I.34 as



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19 1 division II of chapter 515I captioned as "Allocation of premium  
19 2 tax on multistate risks".

19 3 Sec. 24. EFFECTIVE UPON ENACTMENT. This Act, being deemed  
19 4 of immediate importance, takes effect upon enactment.

19 5 EXPLANATION

19 6 This bill establishes new regulations to permit increased  
19 7 access to surplus lines insurance in the state, allows the  
19 8 allocation of premiums and payment of premium taxes on such  
19 9 insurance that is written on multistate risks, allows the  
19 10 commissioner of insurance to participate in a national  
19 11 clearinghouse in regards to the sale of such insurance, and  
19 12 contains penalties, coordinating provisions, repeals, and  
19 13 effective date provisions.

19 14 The bill creates new Code chapter 515I which is divided into  
19 15 division I and division II. Division I of Code chapter 515I  
19 16 contains regulations that permit the sale of surplus lines  
19 17 insurance in the state by insurers who are not licensed to  
19 18 do insurance business in the state. Such insurers shall be  
19 19 listed as eligible surplus lines insurers if they meet the  
19 20 requirements of the Code chapter and are approved to sell such  
19 21 insurance by the commissioner of insurance.

19 22 Surplus lines insurance producers that are licensed pursuant  
19 23 to Code chapter 522B to sell, solicit, or negotiate surplus  
19 24 lines insurance are also subject to new regulations and must  
19 25 file reports and remit premium taxes to the state for all  
19 26 surplus lines insurance sold or delivered by the producer, as  
19 27 required by the commissioner by rule. A payment of premium to  
19 28 a producer is deemed to be payment to the insurer.

19 29 Surplus lines insurance producers may sell insurance issued  
19 30 by an insurer that is not admitted to do business in this  
19 31 state if the insurer is an eligible surplus lines insurer, the  
19 32 insurer is authorized to write the type of insurance being sold  
19 33 in its domiciliary jurisdiction, and a diligent search by the  
19 34 producer indicates that the type of insurance being sold cannot  
19 35 be obtained from an insurer admitted to do insurance business



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20 1 in this state. Surplus lines insurance producers may sell  
20 2 commercial surplus lines insurance, without determining whether  
20 3 the coverage is available from an insurer admitted to do  
20 4 business in the state, to certain exempt commercial purchasers  
20 5 that employ qualified risk managers to negotiate the coverage  
20 6 and meet certain financial and size parameters.

20 7 A person who procures surplus lines insurance independently  
20 8 without using the services of a surplus lines insurance  
20 9 producer is required to file a written report about the  
20 10 transaction and pay the appropriate premium taxes that are due  
20 11 in the manner that is required by the commissioner by rule. If  
20 12 the independently procured insurance policy or contract covers  
20 13 properties, risks, or exposures located or to be performed in  
20 14 multiple states, the tax payable is computed on the portion of  
20 15 the premium attributable to the properties, risks, or exposures  
20 16 in this state. Delinquent taxes shall be increased by a  
20 17 penalty of 1 percent per month of the delinquent amount.

20 18 The commissioner may declare a nonadmitted insurer  
20 19 ineligible to place surplus lines insurance in the state if  
20 20 the commissioner believes that the insurer is in an unsound  
20 21 financial condition or has acted in an untrustworthy manner;  
20 22 no longer meets the requirements of Code chapter 515I; has  
20 23 willfully violated Iowa law; does not conduct its claims  
20 24 settlement practices in a fair and reasonable manner; or has  
20 25 committed an unfair or deceptive trade practice under Code  
20 26 chapter 507B.

20 27 The commissioner may also suspend, revoke, or refuse to  
20 28 renew the license of a surplus lines insurance producer or  
20 29 impose any penalty under Code chapter 507B for specified  
20 30 reasons. The commissioner may initiate an administrative  
20 31 proceeding against a surplus lines insurance producer for  
20 32 the collection of unpaid premium taxes and assess a penalty  
20 33 of 1 percent per month of the delinquent amount. A person  
20 34 who represents or aids a nonadmitted insurer in violation of  
20 35 the new Code chapter is subject to criminal penalties. Upon





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21 1 a determination by the commissioner that a surplus lines  
21 2 producer, an eligible surplus lines insurance insurer, or  
21 3 a nonadmitted insurer is violating or about to violate the  
21 4 provisions of Code chapter 515I, the commissioner may issue a  
21 5 summary order directing the producer or insurer to cease and  
21 6 desist, and may impose civil penalties.

21 7 Willful violation of the provisions of the Code chapter by  
21 8 a surplus lines insurance producer, an eligible surplus lines  
21 9 insurer, or a nonadmitted insurer is punishable as a class "D"  
21 10 felony. A class "D" felony is punishable by confinement for  
21 11 no more than five years and a fine of at least \$750 but not  
21 12 more than \$7,500. Such a willful violation that results in a  
21 13 loss of more than \$10,000 is punishable as a class "C" felony.  
21 14 A class "C" felony is punishable by confinement for no more  
21 15 than 10 years and a fine of at least \$1,000 but not more than  
21 16 \$10,000.

21 17 A policy or contract issued by an eligible surplus lines  
21 18 insurer or a nonadmitted insurer which is otherwise valid  
21 19 and contains a condition or provision not in compliance with  
21 20 the requirements of Code chapter 515I shall be construed in  
21 21 accordance with the conditions and provisions which would have  
21 22 applied if the policy or contract had been issued or delivered  
21 23 in compliance with the Code chapter. Also, if a provision of  
21 24 the chapter is held invalid as to a person or circumstance, the  
21 25 rest of the Code chapter shall be valid as to other persons or  
21 26 circumstances.

21 27 Division II of new Code chapter 515I establishes a  
21 28 mechanism for a surplus lines insurance producer or insured  
21 29 to allocate premiums and pay premium taxes where the surplus  
21 30 lines insurance covers properties, risk, or exposures that  
21 31 are located or to be performed in multiple states. The  
21 32 commissioner is authorized to participate in a national  
21 33 clearinghouse maintained or endorsed by the national  
21 34 association of insurance commissioners to facilitate the filing  
21 35 of reports and collection of surplus lines insurance premium



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22 1 taxes for insured properties, risks, or exposures located  
22 2 solely in this state or in multiple states. The commissioner  
22 3 can collect or require the collection of the entire amount of  
22 4 premium taxes due to all states and the remittance of those  
22 5 payments to the clearinghouse. The commissioner can also  
22 6 impose filing fees for reports and tax payments made through  
22 7 the clearinghouse to defray its costs of operation.  
22 8     In determining the amount of surplus lines insurance  
22 9 premiums that are taxable in this state, it is presumed that  
22 10 all premiums written, procured, or received in this state are  
22 11 for properties, risks, or exposures located or to be performed  
22 12 in this state unless a surplus lines insurance producer or  
22 13 insured files a report indicating otherwise. If so, the  
22 14 premium tax payable to the commissioner shall be computed  
22 15 on that portion of the premium that is attributable to the  
22 16 properties, risk, or exposures in this state according to a  
22 17 method specified by the commissioner.  
22 18     The commissioner shall adopt rules pursuant to Code chapter  
22 19 17A to implement the purposes of the new chapter.  
22 20     The bill repeals several provisions currently contained in  
22 21 Code chapter 515 which relate to the sale of surplus lines  
22 22 insurance in the state. Code sections 507A.4(1) and 515E.9 are  
22 23 amended to reflect this repeal and the enactment of new Code  
22 24 chapter 515I.  
22 25     The bill is effective upon enactment.  
LSB 1311DP (15) 84  
av/nh



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**Senate Study Bill 1100**

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT  
OF HUMAN SERVICES  
BILL)

**A BILL FOR**

1 An Act relating to medical assistance program=related  
2 provisions.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1238DP (11) 84  
pf/nh



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PAG LIN

1 1 Section 1. Section 8A.504, subsection 1, paragraph c,  
1 2 subparagraph (1), Code 2011, is amended to read as follows:  
1 3 (1) Any debt, which is assigned to the department of human  
1 4 services, or which is owed to the department of human services  
1 5 for unpaid premiums under section 249A.3, subsection 2,  
1 6 paragraph "a", subparagraph (1), or section 249J.8, subsection  
1 7 1, or which the child support recovery unit is otherwise  
1 8 attempting to collect, or which the foster care recovery unit  
1 9 of the department of human services is attempting to collect  
1 10 on behalf of a child receiving foster care provided by the  
1 11 department of human services.

1 12 Sec. 2. Section 217.34, Code 2011, is amended to read as  
1 13 follows:

1 14 217.34 Debt setoff.

1 15 The investigations division of the department of inspections  
1 16 and appeals and the department of human services shall provide  
1 17 assistance to set off against a person's or provider's income  
1 18 tax refund or rebate any debt which has accrued through written  
1 19 contract, nonpayment of premiums pursuant to section 249A.3,  
1 20 subsection 2, paragraph "a", subparagraph (1), or section  
1 21 249J.8, subsection 1, subrogation, departmental recoupment  
1 22 procedures, or court judgment and which is in the form of a  
1 23 liquidated sum due and owing the department of human services.  
1 24 The department of inspections and appeals, with approval of the  
1 25 department of human services, shall adopt rules under chapter  
1 26 17A necessary to assist the department of administrative  
1 27 services in the implementation of the setoff under section  
1 28 8A.504 in regard to money owed to the state for public  
1 29 assistance overpayments or nonpayment of premiums as specified  
1 30 in this section. The department of human services shall adopt  
1 31 rules under chapter 17A necessary to assist the department of  
1 32 administrative services in the implementation of the setoff  
1 33 under section 8A.504, in regard to collections by the child  
1 34 support recovery unit and the foster care recovery unit.

1 35 Sec. 3. Section 249A.3, subsection 2, paragraph a,



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2 1 subparagraph (1), Code 2011, is amended to read as follows:  
2 2       (1) (a) As allowed under 42 U.S.C.  
2 3 { 1396a(a)(10)(A)(ii)(XIII), individuals with disabilities,  
2 4 who are less than sixty=five years of age, who are members of  
2 5 families whose income is less than two hundred fifty percent of  
2 6 the most recently revised official poverty guidelines published  
2 7 by the United States department of health and human services  
2 8 for the family, who have earned income and who are eligible for  
2 9 medical assistance or additional medical assistance under this  
2 10 section if earnings are disregarded. As allowed by 42 U.S.C.  
2 11 { 1396a(r)(2), unearned income shall also be disregarded in  
2 12 determining whether an individual is eligible for assistance  
2 13 under this subparagraph. For the purposes of determining the  
2 14 amount of an individual's resources under this subparagraph  
2 15 and as allowed by 42 U.S.C. { 1396a(r)(2), a maximum of ten  
2 16 thousand dollars of available resources shall be disregarded,  
2 17 and any additional resources held in a retirement account, in a  
2 18 medical savings account, or in any other account approved under  
2 19 rules adopted by the department shall also be disregarded.  
2 20       (b) Individuals eligible for assistance under this  
2 21 subparagraph, whose individual income exceeds one hundred  
2 22 fifty percent of the official poverty guidelines published  
2 23 by the United States department of health and human services  
2 24 for an individual, shall pay a premium. The amount of the  
2 25 premium shall be based on a sliding fee schedule adopted by  
2 26 rule of the department and shall be based on a percentage of  
2 27 the individual's income. The maximum premium payable by an  
2 28 individual whose income exceeds one hundred fifty percent of  
2 29 the official poverty guidelines shall be commensurate with  
2 30 the cost of state employees' group health insurance in this  
2 31 state. The payment to and acceptance by an automated case  
2 32 management system or the department of the premium required  
2 33 under this subparagraph shall not automatically confer initial  
2 34 or continuing program eligibility on an individual. A premium  
2 35 paid to and accepted by the department's premium payment



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3 1 process that is subsequently determined to be untimely or to  
3 2 have been paid on behalf of an individual ineligible for the  
3 3 program shall be refunded to the remitter in accordance with  
3 4 rules adopted by the department. Any unpaid premium shall be a  
3 5 debt owed the department.

3 6 Sec. 4. Section 249J.7, subsection 1, paragraph a, Code  
3 7 2011, is amended to read as follows:

3 8 a. Expansion population members shall only be eligible  
3 9 to receive expansion population services through a provider  
3 10 included in the expansion population provider network. Except  
3 11 as otherwise provided in this chapter, the expansion population  
3 12 provider network shall be limited to a the following:

3 13 (1) A publicly owned acute care teaching hospital located in  
3 14 a county with a population over three hundred fifty thousand,  
~~3 15 the.~~

3 16 (2) The university of Iowa hospitals and clinics, and a.

3 17 (3) A regional provider network utilizing the federally  
3 18 qualified health centers or federally qualified health center  
3 19 look-alikes in the state, to provide primary care to members  
~~3 20 as designated by the department in the phase-in plan utilizing~~  
3 21 criteria specified in paragraph "b".

3 22 Sec. 5. Section 249J.8, subsection 1, Code 2011, is amended  
3 23 to read as follows:

3 24 1. a. ~~Each~~ The total monthly premium and other cost-sharing  
3 25 for an expansion population member whose family income exceeds  
3 26 one hundred fifty percent of the federal poverty level as  
3 27 defined by the most recently revised poverty income guidelines  
3 28 published by the United States department of health and human  
3 29 services shall pay a monthly premium not to exceed one-twelfth  
3 30 of five percent of the member's annual family income regardless  
3 31 of the number of expansion population members in the household.  
3 32 The department shall adopt rules to establish a premium  
3 33 schedule in accordance with this subsection that is calculated  
3 34 based on a member's family income for each ten percent  
3 35 increment of the federal poverty level.



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4 1     ~~b. Each~~ An expansion population member whose family income  
4 2 is equal to or less than one hundred fifty percent of the  
4 3 federal poverty level as defined by the most recently revised  
4 4 poverty income guidelines published by the United States  
4 5 department of health and human services shall not be subject to  
4 6 payment of a monthly premium.

4 7     c. All premiums shall be paid ~~on~~ by the last day of the  
4 8 month of coverage.

4 9     d. The department shall deduct the amount of any monthly  
4 10 premiums paid by an expansion population member for benefits  
4 11 under the healthy and well kids in Iowa program when computing  
4 12 the amount of monthly premiums owed under this subsection.

4 13     e. An expansion population member shall respond to the  
4 14 monthly premium notices either through timely payment or a  
4 15 request for a hardship exemption during the entire period of  
4 16 the member's enrollment.

4 17     f. Regardless of the length of enrollment, the member  
4 18 is subject to payment of the premium for a minimum of four  
4 19 consecutive months. However, an expansion population member  
4 20 who complies with the requirement of payment of the premium  
4 21 for a minimum of four consecutive months during a consecutive  
4 22 twelve=month period of enrollment shall be deemed to have  
4 23 complied with this requirement for the subsequent consecutive  
4 24 twelve=month period of enrollment and shall only be subject to  
4 25 payment of the monthly premium on a month=by=month basis.

4 26     g. Timely payment of premiums, ~~including any arrearages~~  
4 27 ~~accrued from prior enrollment,~~ is a condition of receiving any  
4 28 expansion population services. An expansion population member  
4 29 who does not provide timely payment within sixty days of the  
4 30 date the premium is due is subject to disenrollment.

4 31     h. Any unpaid premiums are a debt owed to the department.

4 32     i. The payment to and acceptance by an automated case  
4 33 management system or the department of the premium required  
4 34 under this subsection shall not automatically confer initial or  
4 35 continuing program eligibility on an individual.



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5 1     j. A premium paid to and accepted by the department's  
5 2 premium payment process that is subsequently determined to  
5 3 be untimely or to have been paid on behalf of an individual  
5 4 ineligible for the program shall be refunded to the remitter in  
5 5 accordance with rules adopted by the department.

5 6     k. Premiums collected under this subsection shall be  
5 7 deposited in the premiums subaccount of the account for health  
5 8 care transformation created pursuant to section 249J.23.

5 9     l. An expansion population member shall also pay the same  
5 10 copayments required of other adult recipients of medical  
5 11 assistance.

5 12                                 EXPLANATION

5 13     This bill relates to medical assistance program=related  
5 14 provisions. The bill provides that unpaid premiums under the  
5 15 Medicaid for employed people with disabilities (MEPD) program  
5 16 and the IowaCare program are considered "qualifying debts"  
5 17 subject to debt setoff procedures.

5 18     The bill amends provisions describing the provider network  
5 19 for the IowaCare program to reflect inclusion of a regional  
5 20 provider network.

5 21     The bill amends provisions relating to financial  
5 22 participation of IowaCare members to comply with federal  
5 23 requirements for renewal of the IowaCare waiver. Under the  
5 24 bill, IowaCare members with household incomes at or below  
5 25 150 percent of the federal poverty level (FPL) would not be  
5 26 assessed a monthly premium. Those with incomes greater than  
5 27 150 percent of the FPL, regardless of the number of IowaCare  
5 28 members in the household, would be assessed a monthly premium  
5 29 not to exceed one=twelfth of 5 percent of the household's  
5 30 monthly income in accordance with federal requirements. The  
5 31 bill also provides that a member is subject to disenrollment if  
5 32 premiums are not paid within 60 days of the date the premiums  
5 33 are due.

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## Senate Study Bill 1101

SENATE/HOUSE FILE  
BY (PROPOSED DEPARTMENT  
OF HUMAN SERVICES  
BILL)

**A BILL FOR**

1 An Act relating to child support recovery.  
2 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
TLSB 1226DP (5) 84  
pf/nh



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1 1 Section 1. Section 252D.18, subsection 3, Code 2011, is  
1 2 amended to read as follows:

1 3 3. The court or the child support recovery unit may,  
1 4 by ex parte order, terminate an income withholding order  
1 5 when the current support obligation has terminated and when  
1 6 the delinquent support obligation has been fully satisfied  
1 7 as applicable to all of the children covered by the income  
1 8 withholding order. The unit may, by ex parte order, terminate  
1 9 an income withholding order when the unit will no longer be  
1 10 providing services under chapter 252B, or when a foreign  
1 11 jurisdiction will be providing services under Tit. IV=D of the  
1 12 federal Social Security Act.

1 13 Sec. 2. Section 252H.2, subsection 2, paragraph g, Code  
1 14 2011, is amended to read as follows:

1 15 g. "Determination of controlling order" means the process  
1 16 of identifying a child support order which must be recognized  
1 17 pursuant to section 252K.207 and 28 U.S.C. { 1738B, when  
1 18 more than one state has issued a support order for the same  
1 19 child and the same obligor, and may include a reconciliation  
1 20 of arrearages with information related to the calculation.

1 21 Registration of a foreign order is not necessary for a court or  
1 22 the unit to make a determination of controlling order.

1 23 Sec. 3. Section 252H.14A, subsection 3, Code 2011, is  
1 24 amended to read as follows:

1 25 3. Upon completion of the review, the unit shall issue a  
1 26 notice of decision to each parent, or if applicable, to each  
1 27 parent's attorney. The notice shall be served in accordance  
1 28 with the rules of civil procedure or as provided in section  
1 29 252B.26, except that a parent requesting a review pursuant to  
1 30 section 252H.13 shall waive the right to personal service of  
1 31 the notice in writing and accept service by regular mail. If  
1 32 the service by regular mail does not occur within ninety days  
1 33 of the written waiver of personal service, personal service of  
1 34 the notice is required unless a new waiver of personal service  
1 35 is obtained.



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2 1 Sec. 4. Section 252J.4, subsection 3, Code 2011, is amended  
2 2 to read as follows:

2 3 3. The unit shall notify the individual of the date, time,  
2 4 and location of the conference by regular mail, with the date  
2 5 of the conference to be no earlier than ten days following  
2 6 issuance of notice of the conference by the unit, unless the  
2 7 individual and the unit agree to an earlier date which may be  
2 8 the same date the individual requests the conference. If the  
2 9 individual fails to appear at the conference, the unit shall  
2 10 issue a certificate of noncompliance.

2 11 EXPLANATION

2 12 This bill includes provisions relating to child support  
2 13 recovery.

2 14 The bill includes two provisions relating to coordinating  
2 15 interstate child support cases mandated by recently adopted  
2 16 federal regulations. The bill provides that when the child  
2 17 support recovery unit is no longer providing services or  
2 18 when a foreign jurisdiction will be providing services, the  
2 19 unit may, by ex parte order, terminate an income withholding  
2 20 order. Additionally, the bill amends the definition of  
2 21 "determination of controlling order" to include in that process  
2 22 a reconciliation of arrearages with information related to that  
2 23 calculation.

2 24 The bill also provides that a parent requesting an  
2 25 abbreviated review of a child support order shall waive the  
2 26 right to personal service of the notice of decision by personal  
2 27 service in writing and accept service by regular mail. If the  
2 28 service by regular mail does not occur within 90 days of the  
2 29 written waiver, personal service of the notice is required  
2 30 unless a new written waiver is obtained. This provision is  
2 31 consistent with language relating to a notice of intent to  
2 32 review and adjust under Code section 252H.15 and language  
2 33 relating to the notice of intent to modify under Code section  
2 34 252H.19.

2 35 The bill also provides for an exception to the requirement



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3 1 that a conference, following issuance of a notice of the  
3 2 conference, be no earlier than 10 days following issuance of  
3 3 the notice by the child support recovery unit, if an individual  
3 4 and the unit agree to an earlier date which may be the same date  
3 5 the individual requests the conference.

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